LAWS

Geo. of Chalmers

OF MARYLAND

AT LARGE,

WITH PROPER

INDEXES.

Now first Collected into One COMPLEAT BODY, and Publiſhed from the Original ACTS and RECORDS, remaining in the *SECRETARY's-OFFICE* of the ſaid

PROVINCE.

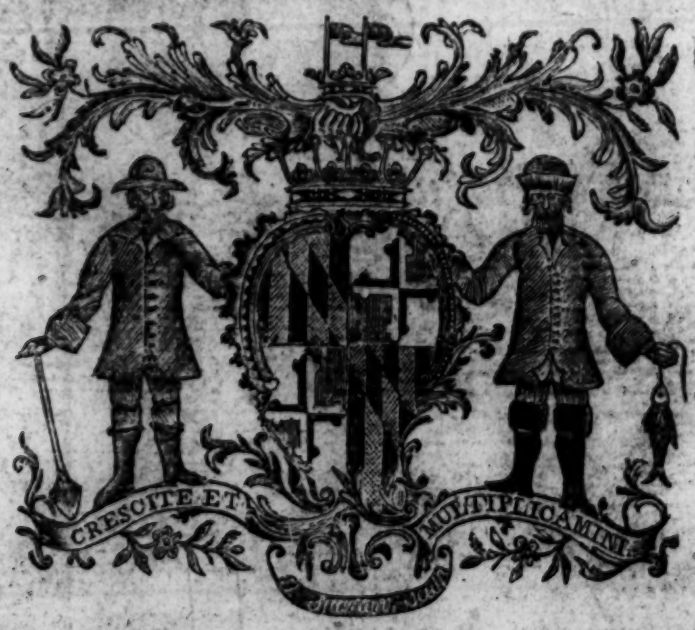
Together with *NOTES* and other *MATTERS*, relative to the Conſtitution thereof, extracted from the *PROVINCIAL* Records.

To which is prefixed, THE

CHARTER,

With an *Engliſh* TRANSLATION.

By *THOMAS BACON*, Rector of *All-Saints* Pariſh in *Frederick* County, and Domeſtic Chaplain in *Maryland* to the Right Honourable *FREDERICK* Lord BALTIMORE.



ANNAPOLIS:

PRINTED BY JONAS GREEN, PRINTER TO THE PROVINCE.

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TO THE

RIGHT HONOURABLE

FREDERICK,

ABSOLUTE LORD AND PROPRIETARY

OF THE PROVINCES OF

MARYLAND AND *AVALON,*

LORD BARON OF *BALTIMORE, &c.*

MY LORD,

THE following COLLECTION of the Provincial LAWS of *MARYLAND*, Enacted and Ordained, under the Authority which your Lordſhip and your Noble Anceſtors derive from the ROYAL CHARTER, is moſt humbly Preſented and Inſcribed to your LORDSHIP, by

Your LORDSHIP's

moſt obliged

and dutiful

Servant and Chaplain,

THOMAS BACON.

By the Constitutions of Maryland there is no obligation to transmit Copies of our Laws either to the Board of Plantations or to the Crown for approbation or Disallowance — nor to give any Account of our proceedings — vid: the Report of the Board of Trade 1730 — in 2: and: Hist: Com: 343 — under the year 1702.

1732

18 Hist. Reg.r p 49

PREFACE.

AT Length, thro' a great Variety of Difficulties and unforeſeen Delays, the following Collection emerges into public View, in ſuch Form as it is hoped will render its Appearance both uſeful and agreeable.

THE Want of a Body of *MARYLAND* LAWS hath been, for many Years felt and complained of: And the Uncertainty occaſioned thereby hath often perplexed Magiſtrates, Officers, and others, in the Exerciſe of their reſpective Duties to the Public and themſelves.

THE firſt Edition contains the Laws from 1704 to 1707, both incluſive, to which are added *ſeveral Acts of Aſſembly formerly made, declared to be in Force*, viz. 1692, *ch.* 16; 1694, *ch.* 8; 1696, *ch.* 10, 17, and 24; and 1702, *ch.* 1. The Copy in my Poſſeſſion (the only One I have ever ſeen) has loſt its Title Page, ſo that I cannot aſcertain when or where it was Printed.

THE next Edition, Printed by [a] *A. Bradford* in *Philadelphia*, contains the Laws ſuppoſed to be in Force to the End of the Year 1718; with a ſhort Index comprized in Seven Pages.

THE laſt Edition is that of *William Parks*, Printer to the Province in the Year 1726; well known among us by the Name of the Old Body of Laws. [b]

FROM which Period, the Laws of each Seſſion have been ſeparately Publiſhed; but no compleat Collection of them can poſſibly now be made; moſt of them being long ago out of Print, and the few remaining in private Hands being chiefly torn and defaced, the common Fate of ſtitched Papers. And hence the Difficulties under which many Gentlemen laboured, of knowing what Laws were actually in Force, or what Alterations might have been made in ſuch as did really exiſt, by Explanatory, Supplementary, or other ſubſequent Acts.

THE Superiority of the preſent Edition will beſt appear from a Compariſon of it with the laſt mentioned; which, tho' Publiſhed (as ſet forth in the Title Page) *by Authority*, is in Fact very imperfect, and replete with Errors: The Printer having uſed no other Copy of the Laws, made before the Year 1719, than that of *Bradford*'s Edition, which was Publiſhed without any Authority; and conſequently hath adopted, as may appear in ſeveral Inſtances, the Blunders of that Edition: Which, together with its own Miſtakes, make up a conſiderable Number. The preſent Edition cannot, by any Means, pretend to a Freedom from Errors; but as theſe are chiefly Literal, the Readers, where they meet with ſuch may with Eaſe correct them, and ought in good Nature to attribute them to the Diſtance between the Preſs and the Editor's Place of Reſidence. The diſtinguiſhing the whole into Chapters and Sections for the more eaſy Quotation of any particular Act; the References to any ſubſequent Laws by which any Paragraph may have received Alteration or Explanation; the Goodneſs of the Paper and Type; with ample Margins for the Convenience of inſerting Manuſcript Obſervations, are too obvious to have needed Mention here, were it not to point out a Demonſtration, that the Editor hath ſpared neither Pains nor Coſt to ſerve the Public, as it always ought to be, with Fidelity and Reſpect.

[a] Mr. *Bradford* alſo Printed a Tranſlation of the *Charter*, together with ſome Debates and Proceedings of the Upper and Lower Houſes of Aſſembly, in the Years 1722, 1723, 1724, and 1725; collected from the Journals, and publiſhed by Order of the Lower Houſe.

[b] I have ſeen (ſome Time before I left *England* in the Year 1745) an Edition printed at *London*, at Lord *Baltimore*'s Expence, as I have been informed, for the Uſe of the *Board* of *Trade*, with the Latin *Charter* prefixed: But could never meet with a Copy of it in this Province, nor can I recollect the Date it bears.

PREFACE.

THE inſerting the Titles of all the Acts, *&c.* which paſſed in the ſeveral Seſſions of Aſſembly held in this Province from its firſt Settlement; the References to the Books wherein they are reſpectively Recorded; and the numerous Notes on ſuch as have Relation to the legal Conſtitution or Properties of the Inhabitants, may claim a favourable Acceptance, as the ſame may conduce to throw a ſtronger Light on ſeveral Points which have occaſionally been controverted among us; ſome of which have received a final Determination before the *King* in *Council*, tho' not ſo generally known, and thoſe, which as yet remain ſubject to Doubt or Debate, may perhaps from hence be more clearly underſtood; and ſuch Gentlemen as deſire a more accurate View of the ſeveral Steps and Gradations by which our Laws have been conducted to their preſent State, with the ſeveral Alterations, Defalcations or Additions, which have been thought expedient and ſuitable to the different Circumſtances of the Colony, from its firſt Plantation, thro' its various Stages and Exigencies, may, from the Titles here inſerted, know where to meet with Materials to ſatisfy ſo entertaining and uſeful an Enquiry.

THE Difficulties which occurred in executing this Part of the Work, with any tolerable Degree of Exactneſs, were great and diſcouraging, and in ſome Caſes almoſt unſurmountable; occaſioned by the Defects of the Public Records, which are partly owing to the ſeveral Turns and Revolutions in Government, partly to Accident, and partly to Neglect.

1645

In *February* 1644, a Rebellion broke out, at the Head of which appeared [e] Capt. *Richard Ingle*, who not only forced the Hon^ble^ *Leonard Calvert*, Eſq; Brother to the Lord *Cæcilius*, and then his Lieutenant General here, to fly for Protection and Aid into *Virginia*, but alſo ſeized the Records, together with the Great Seal; nor was the Government compleatly re-eſtabliſhed till the latter End of the Year 1646, or Beginning of 1647. The Great Seal was never found, ſo that it was neceſſary to eſtabliſh a new One (the ſame which is in Uſe at preſent) which was accordingly ſent in, under his *Lordſhip*'s Commiſſion for that Purpoſe, dated from *Bath* the 12^th^ of *Auguſt* 1648. And moſt of the Records were then loſt or embezzled, which occaſions many Chaſms in the Public Proceedings of the Province down to the Year 1647, and neceſſarily involves the Accounts of thoſe Infant Years of the Colony in great Obſcurity. [d]

THE

[e] This Capt. *Ingle* had before been charged with High Treaſon againſt his Majeſty in this Province, as appears by a Proclamation in the Council Book, dated the 20^th^ *July* 1643, for apprehending him and ſeizing his Ship; but, as it ſeems, then made his Eſcape. He aſſociated with Capt. *William Cleyborne*, who laid Claim to the Iſland of *Kent*, and ſome Lands about the Mouth of the River *Suſquehanna*, under Colour of a *Licence* from his Majeſty under the *Scotch* Signet, *to trade with the* Indians *in* America, *in ſuch Places where the ſole Trade had not been formerly granted by his Majeſty to any other.* Which Claim being, upon Mr. *Cleyborne*'s Petition referred by his Majeſty to the Lord *Archbiſhop* of *Canterbury*, Lord *Keeper*, Lord *Privy Seal*, and any other the *Commiſſioners* for *Plantations* who ſhould be near at Hand, *&c.* was by them heard and rejected at *Whitehall*, the 4^th^ of *April* 1638, their *Lordſhips* "Reſolving and "Declaring, That the Right and Title to the *Iſle of Kent*, and other Places in Queſtion, to be "abſolutely belonging to the Lord *Baltimore*; and that no Plantation or Trade with the *Indians* ought to be within the Precincts of Lord *Baltimore*'s Patent without his Licence, *&c.*" 'Tis certain Mr. *Cleyborne* could not have pitched upon a better Time than the preſent for reviving his Diſappointed Claim, when Diſputes ran ſo high between the *King* and *Parliament*, wherein the latter, whoſe Party he adhered to, had greatly the Superiority.

[d] In the Book of Council Proceedings, is the following Entry relative hereto, *viz.*

"*Memorandum*, That I *Thomas Hatton*, by Virtue of my Commiſſion from the R^t^ Hon^ble^ the "Lord *Baltimore*, of being his Lordſhip's Secretary of this Province; did, upon the 2^d^ Day "of this preſent Month, being the firſt Day of the Aſſembly, receive into my Cuſtody, this "Book of Entries, before the Governor and Council then met together; this being the 9^th^ "Day of *April*, *Anno Domini* 1649.

"Mr. *William Bretton*, with his own Hands, in the Houſe of Aſſembly, delivered to me this "Book, and another leſſer Book with a Parchment Cover, divers of the Leaves thereof being "cut or torn out, and many of them being loſt, and much worn out and defaced, together "with divers other Papers and Writings, bound together in a Bundle: And then, upon "the Delivery of them, made Oath, That theſe were all the Books of Record, Papers, "Draughts, Precedents or other Writings that he had, could come by, or know of within "this Province, which belonged to the Secretary or Regiſter of this Province, their Office or "Offices;

PREFACE.

THE Troubles ſubſiſting between the *King* and *Parliament*, which like a furious Inundation had over-run the Mother Country, could not fail to affect her diſtant Sons with the Agitation of the contending Waves; whoſe violent and repeated Shocks were ſeverely felt in every Part of this hapleſs Infant Colony. For tho' Lord *Baltimore*'s Governors continued to act under his Commiſſion, after the Province was firſt reduced under the Dominion of the *Common Wealth* [e] in *June* 1652, until the Government was wholly ſeized into the Hands of the *Protector* on the [f] 22d *July* 1654, yet the Bickerings were ſmart and frequent till they came to an open Rupture, which ended not without Bloodſhed, the two Parties coming to a deciſive Engagement, in which Governor *Stone* being worſted, was taken Priſoner, and by the Victors condemned to be Shot: But the Sentence was not executed, by Reaſon of the Refuſal of their own Soldiers to perform it; to moſt of whom, tho' oppoſite in Party, Mr. *Stone* had endeared himſelf by many Acts of Benevolence and impartial Juſtice in the Exerciſe of his delegated Powers. His Execution was therefore reſpited to prevent a Mutiny among the Forces which had vanquiſhed him, who from Enemies were now become his warmeſt Advocates; and he continued a long Time under a ſtrict and rigorous Confinement. In this Situation Matters remained till the 24th *March* 165$\frac{7}{8}$, when the Government was delivered by *Oliver*'s Commiſſioners, upon certain Articles previouſly ſettled, into the Hands of *Joſiah Fendall*, Eſq; appointed his Lordſhip's Lieutenant General here, by Commiſſion dated the 18th *November* 1657. It is more than probable that many Records were loſt or deſtroyed in this unſettled Period; as, in Fact, few Entries of Public Tranſactions appear on the Books during the ſame.

IN the Year 1689, the Government was again taken out of the Hands of Lord *Baltimore* by the *Convention*; and in 1692 Mr. *Copley* was appointed Governor under their Majeſties K. *William* and Q. *Mary*: So that a farther Loſs may be ſuppoſed to have happened during the Troubles here, till their Majeſties Government was compleatly ſettled.

IN the Removal of the Books and State Papers from *St. Mary*'s to *Annapolis*, ſome Records were greatly damaged; and ſome Loſs alſo happened by the Fire, which, in the Year 1704, deſtroyed the *Stadt-Houſe* wherein they were depoſited.

IT hath been uſual, on every general Reviſal of the Laws, to make out or tranſcribe a Book of Laws for the Uſe of the Province; which Book

" Offices; except ſome Warrants, and ſome Draughts of Mr. *Hill*'s Time, and ſome few " other Papers of little Conſequence; which he promiſed to deliver me ere long.

" *Teſtor*. THOMAS HATTON, *Secr*."

In Lord CÆCILIUS's Declaration to both Houſes of Aſſembly, dated the 26th *Auguſt* 1651, his Lordſhip having obſerved that in the late Rebellion in 1644, moſt of the Records of the Province being then loſt or embezzled, no Enrolment remained of divers Patents of Lands formerly granted by him, which might hereafter prove very prejudicial, *&c.* not only to his Lordſhip, but alſo to the Patentees and cauſe many Suits and Controverſies in caſe the Patents ſhould by any Accident be loſt, gives Orders for the bringing in and Enrolment of all ſuch Patents in the Secretary's Office, the Records whereof had been ſo loſt or embezzled. Thus, by the provident Care of his Lordſhip, was private Property ſecured to the Inhabitants by a Renewal of the Records relating thereto; but the Loſs of the Public was irreparable.

[e] The Commiſſion from the *Council of State* for the *Common Wealth* of *England*, and their Inſtructions to *Richard Bennet*, *Edmond Curtis*, and *William Cleyborne*, whom they appointed their Commiſſioners *for reducing, ſettling, and governing of all the Plantations within the Bay of* Cheſapeak, bear Date at *Whitehall*, the 26th *September* 1651. In Conſequence whereof, the ſaid Commiſſioners publiſhed ſeveral Orders relating thereto on the 29th of *March* and 28th of *June* 1652, which ſtill remain upon Record.

[f] On which Day the aforementioned *Richard Bennet* and *William Cleyborne* iſſued their Commiſſion to Capt. *William Fuller*, Mr. *Richard Preſton*, Mr. *William Durand*, Mr. *Edward Lloyd*, Capt. *John Smith*, Mr. *Leonard Strong*, Mr. *John Lawſon*, Mr. *John Hatch*, Mr. *Richard Wells*, and Mr. *Richard Ewen*, or any Four of them, whereof Capt. *Fuller*, Mr. *Preſton*, or Mr. *Durand* to be always One, to be Commiſſioners for the well ordering, directing, and governing the Affairs of *Maryland*, under his Highneſs the Lord *Protector*, &c. and Mr. *Durand* to be Secretary. In Purſuance whereof, the ſaid *Bennet* and *Cleyborne* iſſued their Order of the ſame Date to Mr. *Thomas Hatton* the late Secretary, to deliver up the Records of the Province and all Papers relating to the ſame, unto Mr. *William Durand*, or whom he ſhould appoint to receive them.

contained

contained Tranſcripts of ſuch only as then remained in Force, of which we have Inſtances in the Years 1676, 1692, 1699, and 1704. So that the older Copies or Tranſcripts being little regarded, as of no farther Uſe, have been neglected or ſuffered to periſh or run to Decay; till in the Year 1716 (the firſt Year of his Lordſhip's being reinſtated in the Government) effectual Care was taken to ſecure what then remained, together with all future Records, by an [s] Act appointing certain Commiſſioners to inſpect the Condition of the Public Records, and to employ the neceſſary Clerks and Workmen for tranſcribing, binding and repairing the remaining Books, and for obliging the ſeveral Officers to keep the ſame in good Order, *&c.* which was farther inforced and ſecured by ſundry ſubſequent Acts. From which Neglects, Copies of many old Acts have been intirely loſt, nor ſhould we have the leaſt Knowledge of their Exiſtence, but from ſubſequent continuing or repealing Acts, or the imperfect Remains of Proceedings in Aſſembly; from which I have collected their Titles, and reduced them to their proper Places: Which is the Reaſon of ſo many Titles, in thoſe dark Periods, ſtanding without Reference to any Record wherein they may be found.

[s] 1716, *ch.* 1.

FROM the foregoing ſhort View of the ſeveral Revolutions of Government in this Province, and the ſeveral Periods in which they happened, we may eaſily Account for the Acrimony of Stile with which the Right Hon[ble] *Lords* and *Proprietaries* have been treated in the Preambles to ſome particular Acts; the uſual Effect of national Diviſions, and conteſt of Parties ſtruggling for Superiority. In all which Caſes, tho' for wiſe and political Motives, the Powers of Government were withdrawn, yet the ſtricteſt Regard was always had to the Real Eſtates and Properties of their *Lordſhips*, which were, in more Inſtances than one, attacked with the intemperate Zeal of Party Reſentment: The Proprietaries having never forfeited thoſe private Rights by any Act of Diſloyalty, or illegal Reſiſtance to the eſtabliſhed Power.

As it is evident this Collection could never have appeared, in its preſent Form, without a diligent and accurate Inſpection of the Records; ſo the Editor thinks it his eſpecial Duty to return his Thanks to his Excellency HORATIO SHARPE, Eſq; our worthy Governor, who, upon the firſt Application, granted him free Recourſe to the Council and Provincial Records, which was afterwards confirmed by the Right Hon[ble] the preſent *Proprietor*, as well as to the ſeveral Gentlemen in Office, who kindly afforded him their Aſſiſtance, not only in permitting him a free Acceſs to their reſpective Offices, but alſo in pointing out to him the ſeveral Books, *&c.* in which he was moſt likely to meet with the Information he wanted.

IN a particular Manner, he requeſts the following Gentlemen, to accept of his ſincere Acknowledgments for their generous Contributions and Subſcriptions towards carrying on this uſeful Deſign, without which it never could have ſuited the Editor's Circumſtances to introduce it to Public View, *Viz.*

CONTRIBUTOR,

The R[t] Hon[ble] *FREDERICK*, L[d] *Baltimore*, £. 100 Sterling.

SUBSCRIBERS,

His Excellency HORATIO SHARPE, Eſq; Governor, £. 100 Currency.

CHARLES CARROLL, Eſq;	£. 50	The Hon[ble]	BENJ. TASKER, Eſq;	£. 50
WALTER DULANY, Eſq;	50		SAM. CHAMBERLAINE, Eſq;	50
CHA. CARROLL, Eſq; Barriſter,	50		EDWARD LLOYD, Eſq;	50
DANIEL WOLSTENHOLME, Eſq;	50		BENEDICT CALVERT, Eſq;	50
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THOMAS JOHNSON, Eſq;	50	JOHN BRICE, Eſq;		50
SAMUEL GALLOWAY, Eſq;	50	GEORGE STEUART, Eſq;		50
		JOHN ROSS, Eſq;		50

THE

THE

CHARTER

OF THE

PROVINCE

OF

MARYLAND.

THE CHARTER

CAROLUS DEI Gratia *Angliæ Scotiæ Franciæ* et *Hiberniæ* Rex Fidei Defenſor, *&c.* OMNIBUS ad quos Præſentes Litteræ noſtræ pervenerint SALUTEM.

II. CUM perdilectus et perquam fidelis Subditus noſter *CÆCILIUS CALVERT* Baro de *BALTIMORE* in Regno noſtro *Hiberniæ* Filius et Hæres *GEORGII CALVERT* Militis nuper Baronis de *BALTIMORE* in eodem Regnô *Hiberniæ* Patris inhærens Veſtigiis laudabili quôdam et piô *Chriſtianam Religionem* pariter et Imperii noſtri Territoria dilatandi Studiô flagrans Licentiam nobis ut copioſam *Anglicanæ* Gentis Coloniam Induſtriâ ac Impenſâ ſuâ ad certam quandam Regionem inferius deſcribendam in Terrâ quâdam in Partibus *Americæ* hactenus incultâ et Barbaris nullam Divini Numinis Notitiam habentibus in Partibus occupatâ deducere poſſit totamq; illam Regionem cum certis quibuſdam Privilegiis et Juriſdictionibus ad Coloniæ ſuæ et Regionis prædictæ ſalubre Regimen et Statum pertinentibus a Regiâ noſtrâ Celſitudine ſibi et Hæredibus ſuis dari concedi et confirmari humiliter ſupplicaverit.

III. SCIATIS igitur quod NOS pium et nobile præfatorum Baronum de *BALTIMORE* Propoſitum et Studium Regio Favore proſequentes ex Gratiâ ſpeciali certâ Scientia et mero Motu noſtris DEDIMUS CONCESSIMUS et CONFIRMAVIMUS et per hanc præſentem CHARTAM noſtram pro NOBIS Hæredibus et Succeſſoribus noſtris præfato *CÆCILIO* modo Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis DAMUS CONCEDIMUS et CONFIRMAMUS totam illam Partem Peninſulæ ſive *Cherſoneſi* jacentis in Partibus *Americæ*, inter Oceanum ex Oriente et ſinum de *Cheſopeake* ab Occidente à Reſiduo ejuſdem per rectam Lineam à Promontorio ſive Capite Terræ vocato *Watkin's Point* juxta ſinum prædictum prope Fluvium de *Wighco* ſcituato ab Occidente uſque ad Magnum Oceanum in Plaga Orientali ductam diviſam Et inter Metam illam à Meridie uſque ad Partem illam Eſtuarii de *Delaware* ab Aquilone quæ ſubjacet quadrageſimo Gradui Latitudinis Septentrionalis ab Æquinoctiali ubi terminatur *Nova Anglia* totumque illius Terræ Tractum infra Metas ſubſcriptas *(videlicet)* Tranſeundo à dicto Æſtuario vocato *Delaware-Bay* rectâ Lineâ per Gradum prædictum uſque ad verum Meridianum primi Fontis Fluminis de *Pattowmack* deinde vergendo verſus Meridiem ad ulteriorem dicti Fluminis Ripam et eam ſequendo qua Plaga occidentalis ad Meridionalem ſpectat uſque ad Locum quendam appellatum *Cinquack* prope ejuſdem Fluminis Oſtium ſcituatum ubi in præfatum Sinum de *Cheſſopeake* evolvitur ac inde per Lineam breviſſimam uſque ad prædictum Promontorium ſive Locum vocatum *Watkin's Point* Ita quód totus Terræ Tractus per Lineam prædictam inter magnum Oceanum et *Watkins Point* diviſus uſque ad Promontorium vocatum *Cape-Charles* et ſingula ſua Appenditia NOBIS Hæredibus et Succeſſoribus noſtris integre remaneant excepta Imperpetuum.

IV. NEC NON omnes Inſulas et Inſululas infra Limites prædictos CONCEDIMUS etiam et CONFIRMAMUS eidem Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis omnes et ſingulas Inſulas et Inſululas ab Orientali prædictæ Regionis Littore Orientem verſus in Mari natas vel naſcendas infra decem Leucas marinas ab eôdem Littore ſcituatas cum omnibus et ſingulis

CHARLES, by the Grace of GOD, of *England, Scotland, France,* and *Ireland,* King, Defender of the Faith, &c. To ALL to whom theſe Preſents ſhall come, GREETING.

II. WHEREAS our well beloved and right truſty Subject *CÆCILIUS CALVERT,* Baron of *BALTIMORE,* in our Kingdom of *Ireland,* Son and Heir of *GEORGE CALVERT,* Knight, late Baron of *BALTIMORE,* in our ſaid Kingdom of *Ireland,* treading in the Steps of his Father, being animated with a laudable, and pious Zeal for extending the *Chriſtian Religion,* and alſo the Territories of our Empire, hath humbly beſought Leave of Us, that he may tranſport, by his own Induſtry, and Expence, a numerous Colony of the *Engliſh* Nation, to a certain Region, herein after deſcribed, in a Country hitherto uncultivated, in the Parts of *America,* and partly occupied by Savages, having no Knowledge of the Divine Being, and that all that Region, with ſome certain Privileges, and Juriſdictions, appertaining unto the wholeſome Government, and State of his Colony and Region aforeſaid, may by our Royal Highneſs be given, granted, and confirmed unto him, and his Heirs.

III. KNOW YE therefore, that WE, encouraging with our Royal Favour, the pious and noble Purpoſe of the aforeſaid Barons of *BALTIMORE,* of our ſpecial Grace, certain Knowledge, and mere Motion, have GIVEN, GRANTED, and CONFIRMED, and by this our preſent CHARTER, for US, our Heirs, and Succeſſors, do GIVE, GRANT, and CONFIRM, unto the aforeſaid *CÆCILIUS,* now Baron of *BALTIMORE,* his Heirs, and Aſſigns, all that Part of the Peninſula, or *Cherſoneſe,* lying in the Parts of *America,* between the Ocean on the Eaſt, and the Bay of *Cheſopeake* on the Weſt, divided from the Reſidue thereof by a Right Line drawn from the Promontory, or Head-Land, called *Watkin's Point,* ſituate upon the Bay aforeſaid, near the River of *Wighco,* on the Weſt, unto the Main Ocean on the Eaſt; and between that Boundary on the South, unto that Part of the Bay of *Delaware* on the North, which lieth under the Fortieth Degree of North Latitude from the Æquinoctial, where *New-England* is terminated: And all the Tract of that Land within the Metes underwritten *(that is to ſay)* paſſing from the ſaid Bay, called *Delaware Bay,* in a right Line, by the Degree aforeſaid, unto the true Meridian of the firſt Fountain of the River of *Pattowmack,* thence verging towards the South, unto the further Bank of the ſaid River, and following the ſame on the Weſt and South, unto a certain Place called *Cinquack,* ſituate near the Mouth of the ſaid River, where it diſembogues into the aforeſaid Bay of *Cheſſopeake,* and thence by the ſhorteſt Line unto the aforeſaid Promontory or Place, called *Watkin's Point;* ſo that the whole Tract of Land, divided by the Line aforeſaid, between the Main Ocean, and *Watkin's Point,* unto the Promontory called *Cape-Charles,* and every the Appendages thereof, may entirely remain excepted for ever to US, our Heirs, and Succeſſors.

IV. ALSO WE do GRANT, and likewiſe CONFIRM unto the ſaid Baron of *BALTIMORE,* his Heirs, and Aſſigns, all Iſlands and Iſlets within the Limits aforeſaid, all and ſingular the Iſlands, and Iſlets, from the Eaſtern Shore of the aforeſaid Region, towards the Eaſt, which have been, or ſhall be formed in the Sea, ſituate within Ten marine Leagues from the ſaid Shore; with

lis Portubus Navium Stationibus Æſtuariis Fluminibus et Fretis ad Regionem vel Inſulas prædictas pertinentibus Omneſque Fundos Terræ Campeſtria Sylvas Montana Paludes Lacus Flumina Æſtuaria et Freta infra Metas Terminos et Limites prædictos ſcituata ſeu exiſtentia Cum cujuſcunque Generis Piſcium tam Balænarum Sturgeonum et aliorum Regalium quàm aliorum in Mari ſinubus Fretis vel Fluminibus infra Præmiſſa Piſcationibus et Piſcibus ibidem captis Omneſque inſuper Auri Argenti Gemmarum et Lapidum pretioſorum et alias quaſcunque ſive Lapidum ſive Metallorum ſive alterius cujuſcunque Rei aut Materiæ Venas Mineras et Fodinas tam apertas quam occultas infra Regionem Inſulas ſeu Limites prædictos repertas et reperiendas Et hoc amplius omnium Eccleſiarum quas (creſcente CHRISTI Cultu et Religione) infra dictam Regionem Inſulas Inſululas et Limites prædictos futuris Temporibus ædificari contigerit PATRONATUS et ADVOCATIONES una cum Licentiâ et Facultate Eccleſias Capellas et Oratoria, in Locis infra Præmiſſa congruis et idoneis extruendi et fundandi eaque dedicari et ſacrari juxta Leges Eccleſiaſticas Regni noſtri *Angliæ* faciendi Cum omnibus et ſingulis hujuſmodi ac adeo amplis Juribus Juriſdictionibus Privilegiis Prærogativis Regalitatibus Libertatibus Immunitatibus Juribuſque regalibus et Franchefiis quibuſcumque temporalibus tam per Mare quam per Terram infra Regionem Inſulas Inſululas et Limites prædictos habendis exercendis utendis et gaudendis prout aliquis Epiſcopus *Dunelmenſis* infra Epiſcopatum ſive Comitatum Palatinum *Dunelmenſem* in Regno noſtro *Angliæ* unquam antehac habuit tenuit uſus vel gaviſus fuit ſeu de Jure habere tenere uti vel gaudere debuit aut potuit.

V. IPSUMQUE modo Baronem de *BALTIMORE* et Hæredes ſuos Regionis prædictæ cæterorumque omnium Præmiſſorum VEROS et ABSOLUTOS DOMINOS et PROPRIETARIOS (exceptis præ exceptis) ſalvâ ſemper Fide et Ligeanciâ ac Dominio directo NOBIS Hæredibus et Succeſſoribus noſtris debitis pro NOBIS Hæredibus et Succeſſoribus noſtris FACIMUS CREAMUS et CONSTITUIMUS per Præſentes HABENDUM TENENDUM POSSIDENDUM et GAUDENDUM prædictam Regionem Inſulas Inſululas et cætera Præmiſſa præfato modo Baroni de *BALTIMORE* et Hæredibus et Affignatis ſuis ad ſolum et proprium Opus et Uſum ipſius modo Baronis de *BALTIMORE* Hæredum et Affignatorum ſuorum imperpetuum TENENDUM de NOBIS Hæredibus et Succeſſoribus noſtris Regibus *Angliæ* ut de Caſtro noſtro de *Windſor* in Comitatu noſtro *Berkeiæ* in libero et communi SOCCAGIO per Fidelitatem tantum pro omnibus Servitiis et non in Capite nec per Servitium militare REDDENDO inde NOBIS Hæredibus et Succeſſoribus noſtris DUAS SAGITTAS INDICAS Partium illarum apud dictum Caſtrum de *Windſor* ſingulis Annis tradendas in Die Martis in Septimana Paſchæ Ac etiam quintam Partem omnis Metalli Aurei et Argentei Anglicè *of Gold and Silver Ore*, quod infra prædictos Limites de Tempore in Tempus contigerit inveniri.

VI. UT vero prædicta Regio ſic a NOBIS conceſſa et deſcripta cæteris omnibus illius Terræ Regionibus præfulgeat et amplioribus Titulis decoretur SCIATIS quod NOS de ampliori Gratiâ noſtrâ certâ Scientiâ et mero Motu noſtris dictam Regionem ac Inſulas in PROVINCIAM erigendas eſſe duximus prout eas ex Plenitudine Poteſtatis et Prærogativæ noſtræ regiæ pro NOBIS Hæredibus et Succeſſoribus noſtris in PROVINCIAM ERIGIMUS et INCORPORAMUS eamque TERRAM MARIÆ *Anglicè MARYLAND* nominamus et ſic in futuro nominari volumus.

VII. ET quoniam præfatum modo Baronem de *BALTIMORE* totius Provinciæ antedictæ verum DOMINUM et PROPRIETARIUM ſuperius fecimus

et

with all and ſingular the Ports, Harbours, Bays, Rivers, and Straits belonging to the Region or Iſlands aforeſaid, and all the Soil, Plains, Woods, Mountains, Marſhes, Lakes, Rivers, Bays, and Straits, ſituate, or being within the Metes, Bounds, and Limits aforeſaid, with the Fiſhings of every kind of Fiſh, as well of Whales, Sturgeons, and other royal Fiſh, as of other Fiſh, in the Sea, Bays, Straits, or Rivers, within the Premiſſes, and the Fiſh there taken: And moreover all Veins, Mines, and Quarries, as well opened as hidden, already found, or that ſhall be found within the Region, Iſlands, or Limits aforeſaid, of Gold, Silver, Gems, and precious Stones, and any other whatſoever, whether they be of Stones, or Metals, or of any other Thing, or Matter whatſoever: And furthermore the PATRONAGES, and ADVOWSONS of all Churches which (with the increaſing Worſhip and Religion of CHRIST) within the ſaid Region, Iſlands, Iſlets, and Limits aforeſaid, hereafter ſhall happen to be built, together with Licence and Faculty of erecting and founding Churches, Chapels, and Places of Worſhip, in convenient and ſuitable Places, within the Premiſſes, and of cauſing the ſame to be dedicated and conſecrated according to the Eccleſiaſtical Laws of our Kingdom of *England*, with all, and ſingular ſuch, and as ample Rights, Juriſdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchiſes whatſoever, as well by Sea as by Land, within the Region, Iſlands, Iſlets, and Limits aforeſaid, to be had, exerciſed, uſed, and enjoyed, as any Biſhop of *Durham*, within the Biſhoprick or County Palatine of *Durham*, in our Kingdom of *England*, ever heretofore hath had, held, uſed, or enjoyed, or of Right could, or ought to have, hold, uſe, or enjoy.

V. AND WE do by theſe Preſents, for US, our Heirs and Succeſſors, MAKE, CREATE, and CONSTITUTE HIM, the now Baron of *BALTIMORE*, and his Heirs, the TRUE and ABSOLUTE LORDS and PROPRIETARIES of the Region aforeſaid, and of all other the Premiſſes (except the before excepted) ſaving always the Faith and Allegiance and Sovereign Dominion due to US, our Heirs, and Succeſſors; to HAVE, HOLD, POSSESS, and ENJOY the aforeſaid Region, Iſlands, Iſlets, and other the Premiſſes, unto the aforeſaid now Baron of *BALTIMORE*, and to his Heirs and Aſſigns, to the ſole and proper Behoof and Uſe of him, the now Baron of *BALTIMORE*, his Heirs and Aſſigns, for ever. To HOLD of US, our Heirs and Succeſſors, Kings of *England*, as of our Caſtle of *Windſor*, in our County of *Berks*, in free and common SOCCAGE, by Fealty only for all Services, and not *in Capite*, nor by Knight's Service, YIELDING therefore unto US, our Heirs and Succeſſors TWO INDIAN ARROWS of thoſe Parts, to be delivered at the ſaid Caſtle of *Windſor*, every Year, on Tueſday in Eaſter-Week: And alſo the fifth Part of all Gold and Silver Ore, which ſhall happen from Time to Time, to be found within the aforeſaid Limits.

VI. Now, That the aforeſaid Region, thus by us granted and deſcribed, may be eminently diſtinguiſhed above all other Regions of that Territory, and decorated with more ample Titles, KNOW YE, that WE, of our more eſpecial Grace, certain Knowledge, and mere Motion, have thought fit that the ſaid Region and Iſlands be erected into a PROVINCE, as out of the Plenitude of our royal Power and Prerogative, WE do, for US, our Heirs and Succeſſors, ERECT and INCORPORATE the ſame into a PROVINCE, and nominate the ſame *MARYLAND*, by which Name WE will that it ſhall from henceforth be called.

VII. AND foraſmuch as WE have above made and ordained the aforeſaid now Baron of *BALTIMORE*, the true LORD and PROPRIETARY of

et ordinavimus Ulterius igitur SCIATIS quod NOS pro NOBIS, Hæredibus et Succeſſoribus noſtris eidem modo Baroni (de cujus Fide Prudentiâ Juſtitiâ et providâ Animi Circumſpectione plurimum confidimus) et Hæredibus ſuis pro bono et fælici dictæ Provinciæ Regimine LEGES quaſcunque ſive ad publicum ejuſdem PROVINCIÆ Statum ſive ad privatam ſingulorum Utilitatem pertinentes juxta ſanas Diſcretiones ſuas de et cum Conſilio Aſſenſu et Approbatione Liberorum Hominum ejuſdem PROVINCIÆ vel majoris Partis eorundem vel eorum Legatorum vel Deputatorum quos ad LEGES condendas quum et quoties Opus fuerit à præfato modo Barone de *BALTIMORE* ac Hæredibus ſuis ac in Formâ quæ illi vel illis melior eſſe videbitur convocari volumus condendi faciendi edendi et ſub Sigillo prædicti modo Baronis de *BALTIMORE* ac Hæredum ſuorum promulgandi eaſque in omnes Homines infra dictam PROVINCIAM et Limites ejuſdem pro Tempore exiſtentes vel ſub illius vel illorum Regimine et Poteſtate *TERRAM MARIÆ* verſus navigantes aut inde redeuntes extra vel ad Terram *Angliæ* vel extra vel ad aliqua alia Dominia noſtra vel aliena ubilibet conſtituta per Mulctarum Impoſitionem Incarcerationem et aliam quamlibet Coercionem etiam ſi oporteat et Delicti Qualitas id exigerit per Membri vel Vitæ Privationem per Se præfatum modo Baronem de *BALTIMORE* et Hæredes ſuos ſeu per Deputatum Locum-tenentem Judices Juſticiarios Magiſtratos Officiarios et Miniſtros ſuos ſecundum Tenorem ac veram Intentionem Præſentium conſtituendos et conficiendos debitè exequendi Judiceſque et Juſticiarios Magiſtratos et Officiarios quoſcunque ad quaſcunque Cauſas et cum quâcunque Poteſtate et in Formâ quæ præfato modo Baroni de *BALTIMORE* vel Hæredibus ſuis melior eſſe videbitur Terrâ illâ ac Partium illarum Mari conſtituendi et ordinandi Crimina item et Exceſſus quoſcunque contra hujuſmodi Leges ſive ante Judicium acceptum ſive poſt remittendi relaxandi et pardonandi et abolendi cæteraque omnia alia et ſingula ad Juſtitiæ Complementum Curiaſque Prætoria et Tribunalia Judiciorum Formas et Procedendi Modos pertinentia etiam ſi de illis expreſſa in Preſentibus non fiat Mentio ac in Curiis Prætoriis et Tribunalibus illis in Actionibus Sectis Cauſis et Negotiis quibuſcunque tam Criminalibus quam Perſonalibus Realibus et Mixtis ac Prætoriis Procedendi Placita tenendi et terminandi per Judices per ipſos Delegatos liberam plenam et omnimodam Tenore Præſentium concedimus Poteſtatem Quas quidem Leges ſic ut præmittitur promulgandas abſolutiſſimâ Juris Firmitate niti et ab omnibus Hominibus Subditis et Ligeis noſtris Hæredum et Succeſſorum noſtrorum quatenus eos concernunt in Partibus illis cuſtodiri et ſub Pænis in eiſdem expreſſis et exprimendis inviolabiliter obſervari Volumus injungimus præcipimus et mandamus ITA TAMEN quod Leges prædictæ ſint Rationi conſonæ et non ſint repugnantes nec contrariæ ſed (quoad convenienter fieri poterit) conſentaneæ Legibus Statutis Conſuetudinibus ac Juribus hujus Regni noſtri *Angliæ*.

VIII. ET QUONIAM in tantæ PROVINCIÆ Regimine repentini Caſus ſæpenumero contingant quibus neceſſè erit Remedium adhiberi antequam Liberi Tenentes dictæ PROVINCIÆ Legati vel Deputati ſui ad Leges condendas convocari poſſint nec idoneum erit continuò tali Caſu emergente tantum Populum convocari IDCIRCO pro meliori Gubernatione tantæ PROVINCIÆ Volumus et Ordinamus ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris præfato modo Baroni de *BALTIMORE* et Hæredibus ſuis concedimus quod præfatus modo Baro de *BALTIMORE* et Hæredes ſui per ſe vel per Magiſtratus et Officiarios in eâ Parte debitè ut præfertur conſtituendos ordinationes idoneas et ſalubres de Tempore in Tempus facere et conſtituere poſſint et valeant infra PROVINCIAM prædictam cuſtodiendas et obſervandas tam pro Cuſtodiâ Pacis quam pro meliori Regimine Populi ibidem degentis eaſque omnibus

the whole PROVINCE aforeſaid, KNOW YE therefore further, that WE, for US, our Heirs and Succeſſors, do grant unto the ſaid now Baron, (in whoſe Fidelity, Prudence, Juſtice, and provident Circumſpection of Mind, WE repoſe the greateſt Confidence) and to his Heirs, for the good and happy Government of the ſaid PROVINCE, free, full, and abſolute Power, by the Tenor of theſe Preſents, to Ordain, Make, and Enact LAWS, of what kind ſoever, according to their ſound Diſcretions, whether relating to the Public State of the ſaid PROVINCE, or the private Utility of Indviduals, of and with the Advice, Aſſent, and Approbation of the Free-Men of the ſame PROVINCE, or of the greater Part of them, or of their Delegates or Deputies, whom WE will ſhall be called together for the framing of LAWS, when, and as often as Need ſhall require, by the aforeſaid now Baron of *BALTIMORE*, and his Heirs, and in the Form which ſhall ſeem beſt to him or them, and the ſame to publiſh under the Seal of the aforeſaid now Baron of *BALTIMORE*, and his Heirs, and duly to execute the ſame upon all Perſons, for the Time being, within the aforeſaid PROVINCE, and the Limits thereof, or under his or their Government and Power, in Sailing towards *MARYLAND*, or thence Returning, Outward-bound, either to *England*, or elſewhere, whether to any other Part of Our, or of any foreign Dominions, whereſoever eſtabliſhed, by the Impoſition of Fines, Impriſonment, and other Puniſhment whatſoever; even if it be neceſſary, and the Quality of the Offence require it, by Privation of Member, or Life, by him the aforeſaid now Baron of *BALTIMORE*, and his Heirs, or by his or their Deputy, Lieutenant, Judges, Juſtices, Magiſtrates, Officers, and Miniſters, to be conſtituted and appointed according to the Tenor and true Intent of theſe Preſents, and to conſtitute and ordain Judges, Juſtices, Magiſtrates and Officers, of what Kind, for what Cauſe, and with what Power ſoever, within that Land, and the Sea of thoſe Parts, and in ſuch Form as to the ſaid now Baron of *BALTIMORE*, or his Heirs, ſhall ſeem moſt fitting: And alſo to Remit, Releaſe, Pardon, and Aboliſh, all Crimes and Offences whatſoever againſt ſuch Laws, whether before, or after Judgment paſſed; and to do all and ſingular other Things belonging to the Completion of Juſtice, and to Courts, Prætorian Judicatories, and Tribunals, judicial Forms and Modes of Proceeding, although expreſs Mention thereof in theſe Preſents be not made; and, by Judges by them delegated, to award Proceſs, hold Pleas, and determine in thoſe Courts, Prætorian Judicatories, and Tribunals, in all Actions, Suits, Cauſes, and Matters whatſoever, as well Criminal as Perſonal, Real and Mixed, and Prætorian: Which ſaid Laws, ſo to be publiſhed as aboveſaid, WE will, enjoin, charge, and command, to be moſt abſolute and firm in Law, and to be kept in thoſe Parts by all the Subjects and Liege-Men of US, our Heirs and Succeſſors, ſo far as they concern them, and to be inviolably obſerved under the Penalties therein expreſſed, or to be expreſſed. So NEVERTHELESS, that the Laws aforeſaid be conſonant to Reaſon, and be not repugnant or contrary, but (ſo far as conveniently may be) agreeable to the Laws, Statutes, Cuſtoms and Rights of this Our Kingdom of *England*.

VIII. AND FORASMUCH as, in the Government of ſo great a PROVINCE, ſudden Accidents may frequently happen, to which it will be neceſſary to apply a Remedy, before the Freeholders of the ſaid PROVINCE, their Delegates, or Deputies, can be called together for the framing of Laws; neither will it be fit that ſo great a Number of People ſhould immediately, on ſuch emergent Occaſion, be called together, WE THEREFORE, for the better Government of ſo great a PROVINCE, do Will and Ordain, and by theſe Preſents, for US, our Heirs and Succeſſors, do grant unto the ſaid now Baron of *BALTIMORE*, and to his Heirs, that the aforeſaid now Baron of *BALTIMORE*, and his Heirs, by themſelves, or by their Magiſtrates and Officers, thereunto duly to be conſtituted as aforeſaid, may, and can make and conſtitute fit and wholeſom Ordinances from Time to Time, to be kept and

omnibus quos eædem aliqualiter tangunt seu tangere possint publicè innotescere Quas quidem Ordinationes infra dictam PROVINCIAM inviolabiliter observari VOLUMUS sub Pœnis in eisdem exprimendis ITA quod eædem Ordinationes sint Rationi consonæ et non sint repugnantes nec contrariæ sed (quoad convenienter fieri potest) consentaneæ Legibus Statutis aut Juribus Regni nostri *Angliæ* Et ITA Quod eædem Ordinationes se non extendant ad Jus vel interesse alicujus Personæ sive aliquarum Personarum de aut in Membro Vitâ libero Tenemento Bonis seu Catallis aliqualiter astringendum ligandum onerandum seu tollendum.

IX. PORRO ut nova Colonia Populi eâdem confluentis Multitudine fælicius crescat pariter et à Barbarorum aliorumve Hostium Piratorum et Prædonum Incursibus firmius muniatur IDCIRCO NOS pro NOBIS Hæredibus et Successoribus nostris omnibus Hominibus et Subditis nostris Hæredum et Successorum nostrorum Ligeis præsentibus et futuris nisi quibus id specialiter fuerit interdictum Se Familiasque suas ad dictam PROVINCIAM cum idoneis Navigiis et Commeatu congruo transferendi Sedesque suas ibidem collocandi incolendi et inhabitandi Castraque et Castella seu alia Fortalitia ad præfati modo Baronis de *BALTIMORE* et Hæredum suorum Arbitrium pro Defensione Publicâ et suâ exstruendi et muniendi Facultatem Licentiam et Libertatem damus et concedimus per Præsentes Statuto de Fugitivis vel aliis quibuscunque in contrarium Præmissorum in aliquo non obstantibus.

X. VOLUMUS etiam et ex uberiori Gratiâ nostrâ pro NOBIS Hæredibus et Successoribus nostris firmiter præcipimus constituimus ordinamus et mandamus quod dicta PROVINCIA de nostrâ Ligeanciâ sit quodque omnes et singuli Subditi ac Ligei nostri Hæredum et Successorum nostrorum in præfatam PROVINCIAM deducti vel deducendi ipsorum et aliorum de ipsis deducentium Liberi ibidem seu jam nati seu imposterum nascendi sint et erunt Indigenæ et Ligei nostri Hæredum et Successorum nostrorum Regni nostri *Angliæ* et *Hiberniæ* Ac in omnibus teneantur tractentur reputentur et habeantur tanquam fideles Ligei nostri ac Hæredum et Successorum nostrorum infra Regnum nostrum *Angliæ* oriundi Nec non Terras Tenementa Reventiones Servitia et alia Hæreditamenta quæcunque infra Regnum nostrum *Angliæ* ac alia Dominia nostra hæreditare seu aliter perquirere recipere capere habere tenere emere et possidere ac eis uti et gaudere eaque dare vendere alienare et legare Ac etiam omnia Privilegia Francheſias et Libertates hujus Regni nostri *Angliæ* liberè quietè et pacificè habere et possidere eisque uti et gaudere possint tanquam Ligei nostri infra dictum Regnum nostrum *Angliæ* nati seu oriundi absque Impedimento Molestatione Vexatione Impetitione sive Gravamine NOSTRI Hæredum vel Successorum nostrorum quorumcunque aliquo Statuto Actu Ordinatione seu Provisione in contrarium inde non obstante.

XI. PRÆTEREA ut Subditi nostri ad Expeditionem hanc prompto et alacri Animo suscipiendam incitentur SCIATIS quod NOS de Gratiâ nostrâ speciali ex certa Scientiâ et mero Motu nostris tam præfato modo Baroni de *BALTIMORE* et Hæredibus suis quam aliis omnibus de Tempore in Tempus habitandi vel cum Incolis PROVINCIÆ prædictæ Commercium habendi Causâ in PROVINCIAM illam profecturis omnia et singula sua Bona tam mobilia quam immobilia Merces et Mercimonia Annonam etiam Generis cujuscunque aliaque ad Victum et Vestitum necessaria quæcunque per Leges et Statuta Regnorum et Dominiorum nostrorum extra eadem Regna deportari non prohibita in quibuscunque Portubus nostris Hæredum et Successorum nostrorum in Naves imponendi et onerandi et in dictam PROVINCIAM per se vel Servos aut Assignatos

and obſerved within the PROVINCE aforeſaid, as well for the Conſervation of the Peace, as for the better Government of the People inhabiting therein, and publickly to notify the ſame to all Perſons whom the ſame in any wiſe do or may affect. Which Ordinances WE will to be inviolably obſerved within the ſaid PROVINCE, under the Pains to be expreſſed in the ſame. So that the ſaid Ordinances be conſonant to Reaſon, and be not repugnant nor contrary, but (ſo far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our Kingdom of *England*: And ſo that the ſame Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Intereſt of any Perſon or Perſons, of, or in Member, Life, Freehold, Goods or Chattels.

IX. FURTHERMORE, that the New Colony may more happily increaſe by a Multitude of People reſorting thither, and at the ſame Time may be more firmly ſecured from the Incurſions of Savages, or of other Enemies, Pirates, and Ravagers: WE therefore, for US, our Heirs and Succeſſors, do by theſe Preſents give and grant Power, Licence and Liberty, to all the Liege-Men and Subjects, preſent and future, of US, our Heirs and Succeſſors, except ſuch to whom it ſhall be expreſsly forbidden, to tranſport themſelves and their Families to the ſaid PROVINCE, with fitting Veſſels, and ſuitable Proviſions, and therein to ſettle, dwell, and inhabit; and to build and fortify Caſtles, Forts, and other Places of Strength, at the Appointment of the aforeſaid now Baron of *BALTIMORE*, and his Heirs, for the Public and their own Defence; the Statute of Fugitives, or any other whatſoever to the contrary of the Premiſſes in any wiſe notwithſtanding.

X. WE will alſo, and of our more abundant Grace, for US, our Heirs and Succeſſors, do firmly charge, conſtitute, ordain, and command, that the ſaid PROVINCE be of our Allegiance; and that all and ſingular the Subjects and Liege-Men of US, our Heirs and Succeſſors, tranſplanted, or hereafter to be tranſplanted into the PROVINCE aforeſaid, and the Children of them, and of others their Deſcendants, whether already born there, or hereafter to be born, be and ſhall be Natives and Liege-Men of US, our Heirs and Succeſſors, of our Kingdom of *England* and *Ireland*; and in all Things ſhall be held, treated, reputed, and eſteemed as the faithful Liege-Men of US, and our Heirs and Succeſſors, born within our Kingdom of *England*; alſo Lands, Tenements, Revenues, Services, and other Hereditaments whatſoever, within our Kingdom of *England*, and other our Dominions, to inherit, or otherwiſe purchaſe, receive, take, have, hold, buy, and poſſeſs, and the ſame to uſe and enjoy, and the ſame to give, ſell, alien and bequeath; and likewiſe all Privileges, Franchiſes and Liberties of this our Kingdom of *England*, freely, quietly, and peaceably to have and poſſeſs, and the ſame may uſe and enjoy in the ſame Manner as our Liege-Men born, or to be born within our ſaid Kingdom of *England*, without Impediment, Moleſtation, Vexation, Impeachment, or Grievance of US, or any of our Heirs or Succeſſors; any Statute, Act, Ordinance, or Proviſion to the contrary thereof, notwithſtanding.

XI. FURTHERMORE, That our Subjects may be incited to undertake this Expedition with a ready and chearful Mind: KNOW YE, that WE, of our eſpecial Grace, certain Knowledge, and mere Motion, do, by the Tenor of theſe Preſents, give and grant, as well to the aforeſaid Baron of *BALTIMORE*, and to his Heirs, as to all other Perſons who ſhall from Time to Time repair to the ſaid Province, either for the Sake of Inhabiting, or of Trading with the Inhabitants of the Province aforeſaid, full Licence to Ship and Lade in any the Ports of US, our Heirs and Succeſſors, all and ſingular their Goods, as well moveable, as immoveable, Wares and Merchandizes, likewiſe Grain of what Sort ſoever, and other Things whatſoever neceſſary for Food and Cloathing, by the Laws and Statutes of our Kingdoms and Do-

natos ſuos traducendi abſque Impedimento vel Moleſtatione NOSTRI Hæredum vel Succeſſorum noſtrorum vel aliquorum Officiariorum noſtrorum Hæredum vel Succeſſorum noſtrorum (Salvis NOBIS Hæredibus et Succeſſoribus noſtris Impoſitionibus Subſidiis Cuſtumis et aliis pro eiſdem Rebus et Merchandizis debitis et ſolubilibus) plenam Tenore Præſentium Licentiam damus et concedimus aliquo Statuto Actu Ordinatione aut aliâ Re quâcunque in contrarium non obſtante.

XII. QUIA verò in tam longinquâ Regione inter tot barbaras Nationes poſitâ tam ipſorum Barbarorum quam aliorum Hoſtium Piratarum et Prædonum Incurſus veriſimiliter timeri poterint IDCIRCO præfato modo Baroni de *BALTIMORE* ac Hæredibus et Aſſignatis ſuis per ſe vel per Capitaneos aut alios Officiarios ſuos omnes Homines cujuſcunque Conditionis aut undecunque oriundos in dictâ Provinciâ de *TERRA MARIÆ* pro Tempore exiſtentes ad Vexilla vocandi Delectus habendi Bella gerendi Hoſteſque et Prædones prædictos Partes illas infeſtantes Terrâ Marique etiam ultra PROVINCIÆ ſuæ Limites proſequendi eoſque (ſi DEUS dederit) profligandi et capiendi et captos Jure Belli occidendi vel pro Arbitrio ſuo ſervandi cæteraque omnia et ſingula quæ ad Capitanei Generalis Exercitûs Jus et Officium ſpectant ſeu ſpectare conſueverint faciendi adeo plenam et liberam ac quivis Capitaneus Generalis exercitûs unquam habuit dedimus ac pro NOBIS Hæredibus et Succeſſoribus noſtris damus Poteſtatem per Præſentes.

XIII. VOLUMUS etiam et per hanc CHARTAM noſtram præfato modo Baroni de *BALTIMORE* et Hæredibus et Aſſignatis ſuis Poteſtatem Libertatem et Authoritatem damus ut in Caſu Rebellionis repentini Tumultûs aut Seditionis ſi quæ (quod abſit) ſive ſuper Terrâ infra PROVINCIAM prædictam ſive ſuper alto Mari Itinere ad dictam PROVINCIAM de *Terrâ Mariæ* faciendo vel inde redeundo oriri contingeret per ſe vel Capitaneos Deputatos aut alios Officiarios ſuos ſub Sigillis ſuis ad hoc deputandos Quibus etiam NOS pro NOBIS Hæredibus et Succeſſoribus noſtris pleniſſimam per Præſentes Poteſtatem et Authoritatem damus et concedimus adverſus Rerum novarum Partium illarum Authores ſeditioſos Regimini ILLIUS vel ILLORUM ſe ſubtrahentes Militiam detrectantes Transfugas Emanſores Deſertores vel aliter utcunque contra Rem Morem et Diſciplinam militarem delinquentes Jure utantur Militari adeo liberè et in tam amplis Modo et Formâ prout aliquis Capitaneus Generalis Exercitûs Virtute Officii ſui eo uti poſſit aut conſuevit.

XIV. PORRO ne Viris honeſtè natis et ſe ad præſentem Expeditionem accincturis ac bene de NOBIS et Regnis noſtris Pace et Bello mereri cupientibus in tam remotâ longèque diſſitâ Regione omnis ad Honores et Dignitates Via præcluſa et penitus obſepta eſſe videatur PROPTEREA NOS pro NOBIS Hæredibus et Succeſſoribus noſtris præfato modo Baroni de *BALTIMORE* et Hæredibus et Aſſignatis ſuis liberam et plenariam Poteſtatem damus Favores Gratias et Honores in benemeritos Cives infra PROVINCIAM prædictam inhabitantes conferendi Eoſque quibuſcunque Titulis et Dignitatibus (modo tales non fuerint quæ in *Angliâ* nunc ſunt in Uſu) pro Arbitrio ſuo decorandi Villas item in BURGOS et Burgos in CIVITATES ad Inhabitantium Merita et Locorum Opportunitates cum Privilegiis et Immunitatibus congruis erigendi et incorporandi Cæteraque omnia et ſingula in Præmiſſis faciendi quæ illi vel illis congrua et opportuna eſſe videbuntur Etiam ſi talia fuerint quæ de ſuâ Naturâ Mandatum et Warrantum exigant magis ſpeciale quam in Præſentibus ſit expreſſum.

XV. VOLUMUS

minions, not prohibited to be tranſported out of the ſaid Kingdoms; and the ſame to tranſport, by themſelves, or their Servants or Aſſigns, into the ſaid PROVINCE, without the Impediment or Moleſtation of US, our Heirs or Succeſſors, or of any Officers of US, our Heirs or Succeſſors, (SAVING unto US, our Heirs and Succeſſors, the Impoſitions, Subſidies, Cuſtoms, and other Dues payable for the ſame Goods and Merchandizes) any Statute, Act, Ordinance, or other Thing whatſoever to the contrary notwithſtanding.

XII. BUT BECAUSE, that in ſo remote a Region, placed among ſo many barbarous Nations, the Incurſions as well of the Barbarians themſelves, as of other Enemies, Pirates and Ravagers, probably will be feared, THEREFORE WE have Given, and for US, our Heirs, and Succeſſors, do Give by theſe Preſents, as full and unreſtrained Power, as any Captain-General of an Army ever hath had, unto the aforeſaid now Baron of *BALTIMORE*, and to his Heirs and Aſſigns, by themſelves, or by their Captains, or other Officers, to ſummon to their Standards, and to array all Men, of whatſoever Condition, or whereſoever born, for the Time being, in the ſaid Province of *MARYLAND*, to wage War, and to purſue, even beyond the Limits of their Province, the Enemies and Ravagers aforeſaid, infeſting thoſe Parts by Land and by Sea, and (if GOD ſhall grant it) to vanquiſh and captivate them, and the Captives to put to Death, or, according to their Diſcretion, to ſave, and to do all other and ſingular the Things which appertain, or have been accuſtomed to appertain unto the Authority and Office of a Captain-General of an Army.

XIII. WE alſo WILL, and by this our CHARTER, do Give unto the aforeſaid now Baron of *BALTIMORE*, and to his Heirs and Aſſigns, Power, Liberty, and Authority, that, in Caſe of Rebellion, ſudden Tumult, or Sedition, if any (which GOD forbid) ſhould happen to ariſe, whether upon Land within the PROVINCE aforeſaid, or upon the High Sea in making a Voyage to the ſaid PROVINCE of *MARYLAND*, or in returning thence, they may, by themſelves, or by their Captains, or other Officers, thereunto deputed under their Seals (to whom WE, for US, our Heirs and Succeſſors, by theſe Preſents, do Give and Grant the fulleſt Power and Authority) exerciſe Martial Law as freely, and in as ample Manner and Form, as any Captain-General of an Army, by virtue of his Office may, or hath accuſtomed to uſe the ſame, againſt the ſeditious Authors of Innovations in thoſe Parts, withdrawing themſelves from the Government of him or them, refuſing to ſerve in War, flying over to the Enemy, exceeding their Leave of Abſence, Deſerters, or otherwiſe howſoever offending againſt the Rule, Law, or Diſcipline of War.

XIV. MOREOVER, leſt in ſo remote and far diſtant a Region, every Acceſs to Honours and Dignities may ſeem to be precluded, and utterly barred, to Men well born, who are preparing to engage in the preſent Expedition, and deſirous of deſerving well, both in Peace and War, of US, and our Kingdoms; for this Cauſe, WE, for US, our Heirs and Succeſſors, do give free and plenary Power to the aforeſaid now Baron of *BALTIMORE*, and to his Heirs and Aſſigns, to confer Favours, Rewards and Honours, upon ſuch Subjects, inhabiting within the PROVINCE aforeſaid, as ſhall be well deſerving, and to adorn them with whatſoever Titles and Dignities they ſhall appoint; (ſo that they be not ſuch as are now uſed in *England*) alſo to erect and incorporate Towns into BUROUGHS, and Buroughs into CITIES, with ſuitable Privileges and Immunities, according to the Merits of the Inhabitants, and Convenience of the Places; and to do all and ſingular other Things in the Premiſſes, which to him or them ſhall ſeem fitting and convenient; even although they ſhall be ſuch as, in their own Nature, require a more ſpecial Commandment and Warrant than in theſe Preſents may be expreſſed.

XV. WE

XV. VOLUMUS etiam ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris præfato modo Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis omnibuſque prædictæ PROVINCIÆ Incolis et Inhabitantibus quibuſcunque præſentibus et futuris per hanc CHARTAM noſtram Licentiam damus et concedimus ut Merces quaſcunque et Mercimonia ex dictæ PROVINCIÆ Fructibus et Commoditatibus terreſtribus vel maritimis redigenda per ſe vel per Servos Factores aut Aſſignatos ſuos in quoſcunque Portus noſtros Hæredum et Succeſſorum noſtrorum *Angliæ* aut *Hiberniæ* liberè inferre et exonerare aut aliter de eiſdem ibidem diſponere Et ſi Opus fuerit eaſdem Merces infra unum Annum ab Exoneratione earum continuò numerandum rurſus in Naves eaſdem vel alias onerare et in quaſcunque voluerint Regiones ſive noſtras ſive extraneas de Amicitiâ noſtrâ Herædum et Succeſſorum noſtrorum deportare valeant PROVISO ſemper quod tales et talia Cuſtumas et Impoſitiones Subſidia et Telonia NOBIS Hæredibus et Succeſſoribus noſtris inde ſolvere teneantur quales et qualia reliqui Subditi noſtri Regni noſtri *Angliæ* pro Tempore exiſtentes ſolvere tenebuntur ultra quas et quæ præfatæ PROVINCIÆ dictæ Terræ *TERRA MARIÆ* nuncupatæ Incolas gravari nolumus.

XVI. ET ULTERIUS de ampliori Gratiâ noſtrâ ſpeciali ac ex certâ Scientiâ et mero Motu noſtris pro NOBIS Hæredibus et Succeſſoribus noſtris Concedimus præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis plenam et abſolutam Poteſtatem et Authoritatem faciendi et erigendi et conſtituendi infra PROVINCIAM de *TERRA MARIÆ* ac Inſulas et Inſululas prædictas tot et tales Portus maritimos Navium Stationes Crecas et alia Loca Exonerationis et Depoſitionis Bonorum et Mercimoniorum è Navibus Cymbis ac aliis Vaſibus ac Onerationis in eâdem et in tot et talibus Locis et cum talibus Juribus Juriſdictionibus Libertatibus et Privilegiis ad hujuſmodi Portus ſpectantibus prout ei vel eis melius videbitur expedire Quodque omnes et ſingulæ Naves Cymbæ et alia Vaſa quæcunque Cauſâ merchandizandi ad PROVINCIAM et ex Provinciâ prædictâ venientia et exeuntia ad hujuſmodi Portus per dictum modo Baronem de *BALTIMORE* Hæredes et Aſſignatos ſuos ſic erigendos et conſtituendos ſolummodo onerentur et exonerentur Aliquo Uſu Conſuetudine aut aliquâ aliâ Re in contrarium non obſtante Salvâ ſemper NOBIS Hæredibus et Succeſſoribus noſtris et omnibus Subditis Regni noſtri *Angliæ* et *Hiberniæ* Hæredum et Succeſſorum noſtrorum Libertate piſcandi Piſcem marinum tam in Mari Æſtuariis et Fretis et Fluminibus Navigio idoneis quam in Portubus Æſtuariis et Crecis PROVINCIÆ ante dictæ ac Privilegio ſaliendi et exſiccandi vel arefaciendi Piſces in Littoribus ejuſdem PROVINCIÆ Et eâ de Cauſâ Buſcam et Vimina ibidem creſcentia ſuccidere et capere; et Caſas et Tuguriola in hâc Parte neceſſaria extruere prout rationabiliter hactenus uſi fuerunt aut potuerunt Quibus quidem Libertatibus et Privilegiis dicti Subditi noſtri Hæredum et Succeſſorum noſtrorum gaudebunt abſque notabili Damno vel Injuriâ præfato modò Baroni de *BALTIMORE* Hæredibus vel Aſſignatis ſuis aut ejuſdem PROVINCIÆ Incolis et Inhabitantibus in Portubus Crecis aut Littoribus prædictis et præſertim in Boſcis et Sylvis ibidem creſcentibus aliqualiter fienda Et ſi quis hujuſmodi Damnum fecerit aut Injuriam gravis Indignationis noſtræ Hæredum et Succeſſorum noſtrorum debitæque Legum Caſtigationis Periculum Pænamque præter Emendationem ſubeat.

XVII. VOLUMUS inſuper ſtatuimus et ordinamus ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris concedimus præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis Quod idem Baro de *BALTIMORE* Hæredes et Aſſignati ſui de Tempore in Tempus imperpetuum habeant et gaudeant Telonia et Subſidia in Portubus Navium Stationibus

et

XV. We will alſo, and by theſe Preſents do, for US, our Heirs and Succeſſors, give and grant Licence by this our CHARTER, unto the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, and to all Perſons whatſoever, who are, or ſhall be Reſidents and Inhabitants of the Province aforeſaid, freely to import and unlade, by themſelves, their Servants, Factors or Aſſigns, all Wares and Merchandizes whatſoever, which ſhall be collected out of the Fruits and Commodities of the ſaid Province, whether the Product of the Land or the Sea, into any the Ports whatſoever of US, our Heirs and Succeſſors, of *England* or *Ireland*, or otherwiſe to diſpoſe of the ſame there; and, if Need be, within One Year, to be computed immediately from the Time of unlading thereof, to lade the ſame Merchandizes again, in the ſame, or other Ships, and to export the ſame to any other Countries they ſhall think proper, whether belonging to US, or any foreign Power which ſhall be in Amity with US, our Heirs or Succeſſors: Provided always, that they be bound to pay for the ſame to US, our Heirs and Succeſſors, ſuch Cuſtoms and Impoſitions, Subſidies and Taxes, as our other Subjects of our Kingdom of *England*, for the Time being, ſhall be bound to pay, beyond which We will that the Inhabitants of the aforeſaid Province of the ſaid Land, called *MARYLAND*, ſhall not be burdened.

XVI. And furthermore, of our more ample ſpecial Grace, and of our certain Knowledge, and mere Motion, WE do, for US, our Heirs and Succeſſors, grant unto the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, full and abſolute Power and Authority to make, erect, and conſtitute, within the Province of *MARYLAND*, and the Iſlands and Iſlets aforeſaid, ſuch, and ſo many Sea-Ports, Harbours, Creeks, and other Places of Unlading and Diſcharge of Goods and Merchandizes out of Ships, Boats, and other Veſſels, and of Lading in the ſame, and in ſo many, and ſuch Places, and with ſuch Rights, Juriſdictions, Liberties, and Privileges, unto ſuch Ports reſpecting, as to him or them ſhall ſeem moſt expedient: And, that all and every the Ships, Boats, and other Veſſels whatſoever, coming to, or going from the Province aforeſaid, for the Sake of Merchandizing, ſhall be laden and unladen at ſuch Ports only as ſhall be ſo erected and conſtituted by the ſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, any Uſage, Cuſtom, or any other Thing whatſoever to the contrary notwithſtanding. Saving always to US, our Heirs and Succeſſors, and to all the Subjects of our Kingdoms of *England* and *Ireland*, of Us, our Heirs and Succeſſors, the Liberty of Fiſhing for Sea-Fiſh, as well in the Sea, Bays, Straits, and navigable Rivers, as in the Harbours, Bays, and Creeks of the Province aforeſaid; and the Privilege of Salting and Drying Fiſh on the Shores of the ſame Province; and, for that Cauſe, to cut down and take Hedging-Wood and Twigs there growing, and to build Huts and Cabbins, neceſſary in this Behalf, in the ſame Manner as heretofore they reaſonably might, or have uſed to do. Which Liberties and Privileges, the ſaid Subjects of US, our Heirs and Succeſſors, ſhall enjoy, without notable Damage or Injury in any wiſe to be done to the aforeſaid now Baron of *BALTIMORE*, his Heirs or Aſſigns, or to the Reſidents and Inhabitants of the ſame Province in the Ports, Creeks, and Shores aforeſaid, and eſpecially in the Woods and Trees there growing. And if any Perſon ſhall do Damage or Injury of this Kind, he ſhall incur the Peril and Pain of the heavy Diſpleaſure of US, our Heirs and Succeſſors, and of the due Chaſtiſement of the Laws, beſides making Satisfaction.

XVII. Moreover, We will, appoint, and ordain, and by theſe Preſents, for US, our Heirs and Succeſſors, do grant unto the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, that the ſame Baron of *BALTIMORE*, his Heirs and Aſſigns, from Time to Time, for ever, ſhall have, and enjoy the Taxes and Subſidies payable, or ariſing within the Ports,

et aliis Crecis et Locis prædictis infra PROVINCIAM prædictam ſolubilia ſive emergentia pro Mercimoniis et Rebus ibidem onerandis et exonerandis per ipſos et Populos ibidem ut prædictum eſt Occaſione emergente rationabiliter aſſidenda Quibus eadem juſtâ de Cauſâ debitâ Proportione aſſidere et inducere Telonia et Subſidia ibidem Poteſtatem pro NOBIS Hæredibus et Succeſſoribus noſtris Damus per Præſentes.

XVIII. ET ULTERIUS de Gratiâ noſtrâ ſpeciali ac ex certâ Scientiâ et mero Motu noſtris dedimus conceſſimus et confirmavimus ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris damus concedimus et confirmamus præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis plenam et abſolutam Licentiam Poteſtatem et Authoritatem Quód ipſe præfatus modò Baro Hæredes et Aſſignati ſui de Tempore in Tempus impoſterum imperpetuum ad ejus vel eorum Libitum et Voluntatem poſſint et valeant aſſignare alienare concedere demittere vel feoffare Præmiſſorum tot tales et tantas Partes et Parcellas eas perquirere volenti vel volentibus quot quales et quantas duxerint opportunas habendum et tenendum eiſdem Perſonæ et Perſonis eas capere vel perquirere volenti et volentibus Hæredibus et Aſſignatis ſuis in Feodo ſimplici vel Feodo talliato vel pro Termino Vitæ Vitarum vel Annorum TENENDUM de præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis per tot talia et tanta HUJUSMODI Servitia Conſuetudines et Redditus quot quanta et qualia eidem modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis viſum fuerit vel placuerit et non de NOBIS Hæredibus vel Succeſſoribus noſtris immediatè ET eiſdem Perſonæ et Perſonis et earum cuilibet et quibuſlibet damus et per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris concedimus Licentiam Authoritatem et Poteſtatem quód tales Perſona et Perſonæ Præmiſſa ſive aliquam inde Parcellam de præfato modò Barone de *BALTIMORE* Hæredibus et Aſſignatis ſuis recipere poſſit et poſſint ac tenere ſibi et Aſſignatis ſuis vel Hæredibus ſuis de quocunque Statu hæreditario in Feodo ſimplici vel Feodo talliato vel aliter prout eis et modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis videbitur expedire de eodem Barone de *BALTIMORE* Hæredibus et Aſſignatis ſuis Statuto in Parliamento Domini *EDWARDI* Filii Regis *HENRICI* nuper Regis *Angliæ* Progenitoris noſtri edito communiter vocato "STATUTUM QUIA EMPTORES TERRARUM" in Regno noſtro *Angliæ* dudum edito aut aliquo alio Statuto Actu Ordinatione Uſu Lege vel Conſuetudine aut aliquâ aliâ Re Cauſâ vel Materiâ in contrarium inde antehac habitâ factâ editâ ordinatâ ſeu proviſâ in contrarium inde non obſtante.

XIX. Ac eidem Baroni de *BALTIMORE* et Hæredibus ſuis Particulas aliquas Terræ infra PROVINCIAM prædictam in Maneria erigere et in Maneriorum eorum ſingulis habere et tenere Curiam Baronis et omnia quæ ad Curiam Baronis pertinent Et Viſum Franciplegii ad Conſervationem Pacis et melius Partium illarum Regimen per ſe et Seneſchallos ſuos vel aliorum Maneriorum illorum cum conſtituta fuerint Dominos pro Tempore exiſtentes deputandos habere et cuſtodire et in eiſdem omnibus uti ad Viſum Franciplegii pertinentibus Licentiam damus et concedimus per Præſentes.

XX. Ac ulterius VOLUMUS ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris convenimus et concedimus ad et cum præfato modò Barone de *BALTIMORE* Hæredibus et Aſſignatis ſuis Quód NOS Hæredes et Succeſſores noſtri nullo Tempore impoſterum aliquas Impoſitiones Cuſtumas aut alias Taxationes Quotas ſeu Contributiones quaſcunque imponemus aut imponi faciemus aut cauſabimus in aut ſuper Incolas aut Inhabitantes PROVINCIÆ prædictæ pro Bonis Terris vel Tenementis ſuis infra eandem PROVINCIAM aut ſuper aliqua Tenementa Terras Bona ſeu Catalla infra PROVINCIAM prædictam

Harbours, and other Creeks and Places aforeſaid, within the PROVINCE aforeſaid, for Wares bought and ſold, and Things there to be laden, or unladen, to be reaſonably aſſeſſed by them, and the People there as aforeſaid, on emergent Occaſion; to whom WE grant Power by theſe Preſents, for US, our Heirs and Succeſſors, to aſſeſs and impoſe the ſaid Taxes and Subſidies there, upon juſt Cauſe, and in due Proportion.

N.B. Power given to Lord Baltimore 1650 cl. 25. 1650. cl. 25.

XVIII. AND FURTHERMORE, of our ſpecial Grace, and certain Knowledge, and mere Motion, WE have given, granted, and confirmed, and by theſe Preſents, for US, our Heirs and Succeſſors, do give, grant, and confirm, unto the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, full and abſolute Licence, Power, and Authority, that he, the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, from Time to Time hereafter, for ever, may and can, at his or their Will and Pleaſure, aſſign, alien, grant, demiſe, or enfeoff ſo many, ſuch, and proportionate Parts and Parcels of the Premiſſes, to any Perſon or Perſons willing to purchaſe the ſame, as they ſhall think convenient, to have and to hold to the ſame Perſon or Perſons willing to take or purchaſe the ſame, and his and their Heirs and Aſſigns, in Fee-ſimple, or Fee-tail, or for Term of Life, Lives, or Years; to hold of the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, by ſo many, ſuch, and ſo great Services, Cuſtoms and Rents OF THIS KIND, as to the ſame now Baron of *BALTIMORE*, his Heirs, and Aſſigns, ſhall ſeem fit and agreeable, and not immediately of US, our Heirs or Succeſſors. And WE do give, and by theſe Preſents, for US, our Heirs and Succeſſors, do grant to the ſame Perſon and Perſons, and to each and every of them, Licence, Authority and Power, that ſuch Perſon and Perſons, may take the Premiſſes, or any Parcel thereof, of the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, and hold the ſame to them and their Aſſigns, or their Heirs, of the aforeſaid Baron of *BALTIMORE*, his Heirs and Aſſigns, of what Eſtate of Inheritance ſoever, in Fee-ſimple or Fee-tail, or otherwiſe, as to them and the now Baron of *BALTIMORE*, his Heirs and Aſſigns, ſhall ſeem expedient; the Statute made in the Parliament of Lord *EDWARD*, Son of King *HENRY*, late King of *England*, our Progenitor, commonly called the "STATUTE "QUIA EMPTORES TERRARUM," heretofore publiſhed in our Kingdom of *England*, or any other Statute, Act, Ordinance, Uſage, Law, or Cuſtom, or any other Thing, Cauſe or Matter, to the contrary thereof, heretofore had, done, publiſhed, ordained or provided to the contrary thereof notwithſtanding.

XIX. WE alſo, by theſe Preſents, do give and grant Licence to the ſame Baron of *BALTIMORE*, and to his Heirs, to erect any Parcels of Land within the PROVINCE aforeſaid, into Manors, and in every of thoſe Manors, to have and to hold a Court-Baron, and all Things which to a Court-Baron do belong; and to have and to keep View of Frank-Pledge, for the Conſervation of the Peace and better Government of thoſe Parts, by themſelves and their Stewards, or by the Lords, for the Time being to be deputed, of other of thoſe Manors when they ſhall be conſtituted, and in the ſame to exerciſe all Things to the View of Frank-Pledge belonging.

XX. AND FURTHER WE will, and do, by theſe Preſents, for US, our Heirs and Succeſſors, covenant and grant to, and with the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, that WE, our Heirs, and Succeſſors, at no Time hereafter, will impoſe, or make or cauſe to be impoſed, any Impoſitions, Cuſtoms, or other Taxations, Quotas or Contributions whatſoever, in or upon the Reſidents or Inhabitants of the PROVINCE aforeſaid for their Goods, Lands, or Tenements within the ſame PROVINCE, or upon any Tenements, Lands, Goods or Chattels within the Province aforeſaid,

dictam aut in aut ſuper aliqua Bona vel Merchandizas infra PROVINCIAM prædictam aut infra Portus aut Navium Stationes dictæ PROVINCIÆ onerandas ſeu exonerandas Et hanc Declarationem noſtram in omnibus Curiis et Prætoriis et coram quibuſcunque Judicibus noſtris Hæredum et Succeſſorum noſtrorum pro ſufficienti et legitimâ Liberatione Solutione et Acquietantia inde de Tempore in Tempus recipi et allocari Volumus ac pro NOBIS Hæredibus et Succeſſoribus noſtris jubemus et mandamus præcipientes omnibus et ſingulis Officiariis et Miniſtris noſtris Hæredum et Succeſſorum noſtrorum et ſub gravi Indignatione injungentes ne quid in contrarium Præmiſſorum ullo unquam Tempore attemptare audeant aut eiſdem ullo Modo contraveniant Sed præfato modo Baroni de *BALTIMORE* et Hæredibus ac præfatæ PROVINCIÆ de *TERRA MARIÆ* Incolis et Mercatoribus prædictis eorumque Servis et Miniſtris Factoribus et Aſſignatis in pleniſſimo hujus CHARTÆ noſtræ Uſu et Fruitione omni Tempore prout decet auxilientur et aſſiſtant.

XXI. ET ULTERIUS VOLUMUS ac per Præſentes pro NOBIS Hæredibus et Succeſſoribus noſtris concedimus præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis et dictæ PROVINCIÆ Terræ-tenentibus Habitatoribus præſentibus et futuris et ſingulis eorum quod PROVINCIA prædicta Terræ-tenentes vel Incolæ ejuſdem Coloniæ aut Patriæ vel Terræ *Virginiæ* aut alicujus alterius Coloniæ deductæ vel deducendæ Membrum vel Pars de cætero non habeantur vel reputentur aut de eiſdem dependentes ſint aut Regimine ſubſint in aliquo Ipſamque et Ipſos ab eiſdem ſeparamus et ſeparatos eſſe VOLUMUS per Præſentes Ac quód Coronæ noſtræ *Angliæ* immediatè ſint ſubjecti et de eâdem dependentes imperpetuum.

XXII. ET ſi fortè imposterum contingat Dubitationes aliquas Quæſtiones circa verum Senſum et Intellectum alicujus Verbi Clauſulæ vel Sententiæ in hâc præſenti CHARTA noſtrâ contentæ generari EAM ſemper et in omnibus Interpretationem adhiberi et in quibuſcunque Curiis et Prætoriis noſtris obtinere VOLUMUS præcipimus et mandamus quæ præfato modò Baroni de *BALTIMORE* Hæredibus et Aſſignatis ſuis benignior utilior et favorabilior eſſe judicabitur PROVISO ſemper quod nulla fiat Interpretatio per quam Sacro-ſancta DEI et vera Chriſtiana Religio aut Ligeantia NOBIS Hæredibus et Succeſſoribus noſtris debita Immutatione Prejudicio vel Diſpendio in aliquo patiantur Eo quod expreſſa Mentio, * *&c.*

XXIII. IN cujus Rei, &c. T. R. apud *Weſtmonaſterium* XX° Die *Junii* per Breve de privato Sigillo.

* So Endeth the Atteſted Copy, taken in the Year 1758, from the original Record remaining in the Chapel of the Rolls, and Signed by HENRY ROOKE Clerk of the Rolls, which was lent me by his Excellency *HORATIO SHARPE*, Eſq; from whence the above is tranſcribed.——The ſaid Copy is entitled at the Head, *Tertia Pars Patentium de Anno Regni* CAROLI *Octavo*; and at the End is written as in the Sect. XXIII.

ſaid, or in or upon any Goods or Merchandizes within the PROVINCE aforeſaid, or within the Ports or Harbours of the ſaid PROVINCE, to be laden or unladen: And WE Will and do, for US, our Heirs and Succeſſors, enjoin and command that this our Declaration ſhall, from Time to Time, be received and allowed in all our Courts and Prætorian Judicatories, and before all the Judges whatſoever of US, our Heirs and Succeſſors, for a ſufficient and lawful Diſcharge, Payment, and Acquittance thereof, charging all and ſingular the Officers and Miniſters of US, our Heirs and Succeſſors, and enjoining them, under our heavy Diſpleaſure, that they do not at any Time preſume to attempt any Thing to the contrary of the Premiſſes, or that may in any wiſe contravene the ſame, but that they, at all Times, as is fitting, do aid and aſſiſt the aforeſaid now Baron of *BALTIMORE*, and his Heirs, and the aforeſaid Inhabitants and Merchants of the PROVINCE of *MARYLAND* aforeſaid, and their Servants and Miniſters, Factors and Aſſigns, in the fulleſt Uſe and Enjoyment of this our CHARTER.

XXI. AND FURTHERMORE WE WILL, and by theſe Preſents, for US, our Heirs and Succeſſors, do grant unto the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns, and to the Freeholders and Inhabitants of the ſaid PROVINCE, both preſent and to come, and to every of them, that the ſaid PROVINCE, and the Freeholders or Inhabitants of the ſaid Colony or Country, ſhall not henceforth be held or reputed a Member or Part of the Land of *Virginia*, or of any other Colony already tranſported, or hereafter to be tranſported, or be dependent on the ſame, or ſubordinate in any kind of Government, from which WE do ſeparate both the ſaid PROVINCE, and Inhabitants thereof, and by theſe Preſents do WILL to be diſtinct, and that they may be immediately ſubject to our Crown of *England*, and dependent on the ſame for ever.

XXII. AND if, peradventure, hereafter it may happen, that any Doubts or Queſtions ſhould ariſe concerning the true Senſe and Meaning of any Word, Clauſe, or Sentence, contained in this our preſent CHARTER, WE will, charge and command, THAT Interpretation to be applied, always, and in all Things, and in all our Courts and Judicatories whatſoever, to obtain which ſhall be judged to be the more beneficial, profitable, and favourable to the aforeſaid now Baron of *BALTIMORE*, his Heirs and Aſſigns: PROVIDED always, that no Interpretation thereof be made, whereby GOD's holy and true Chriſtian Religion, or the Allegiance due to US, our Heirs and Succeſſors, may in any wiſe ſuffer by Change, Prejudice, or Diminution; although expreſs Mention * be not made in theſe Preſents of the true yearly Value or Certainty of the Premiſſes, or of any Part thereof, or of other Gifts and Grants made by US, our Heirs and Predeceſſors, unto the ſaid now Lord *BALTIMORE*, or any Statute, Act, Ordinance, Proviſion, Proclamation or Reſtraint, heretofore had, made, publiſhed, ordained or provided, or any other Thing, Cauſe, or Matter whatſoever, to the contrary thereof in any wiſe notwithſtanding.

XXIII. IN WITNESS whereof WE have cauſed theſe our Letters to be made Patent. WITNESS OURSELF at *Weſtminſter*, the Twentieth Day of *June*, in the Eighth Year of our Reign. 1632

Dated 20 June 1632

* THE Remainder, from this Mark, is copied from the old Tranſlation, publiſhed (together with ſome Aſſembly Proceedings) by Order of the Lower Houſe, in the Year 1725.

At a GENERAL ASSEMBLY, begun and held at *St. Mary*'s, on the 25th Day of *January*, 1637, and ended the 24th Day of *March* following.

1637-8

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

N. B. In this Aſſembly (the Firſt of which any Record appears in this Province) the Freemen, having rejected a Body of Laws drawn up in *England* and tranſmitted by his Lordſhip in order to be Paſſed here, appointed a Committee to prepare a Draught of Laws to be propounded to his Lordſhip for his Aſſent; and accordingly agreed to the Bills whoſe Titles are hereafter expreſſed: But they were never Enacted into Laws; nor are any Copies of them, or of thoſe ſent in by his Lordſhip, to be found in our Records.

1. A BILL for dividing of the Province.
2. A Bill for Bounding of Manors.
3. A Bill for Aſſigning of Manors.
4. A Bill for the Order to be obſerved in the Aſſignments.
5. A Bill for the Peopling of Manors.
6. A Bill for the Supporting of Manors.
7. A Bill for ſettling of the Glebe.
8. A Bill againſt aliening of Manors.
9. A Bill for Baronies.
10. A Bill for Aſſigning of Freeholds.
11. A Bill for the Demeſnes of the Lord Proprietary.
12. A Bill for Building of the Town.
13. A Bill for the Erecting of a Fort.
14. A Bill for Planting of Corn.
15. A Bill for Reſtraint of Liquors.
16. A Bill for Military Diſcipline.
17. A Bill for ordering the Payment of Tobacco.
18. A Bill for Services to be performed for Manors and Freeholds.
19. A Bill for Aſſurance of Titles to Lands.
20. A Bill for the Liberties of the People.
21. A Bill for ſwearing Allegiance to our Sovereign, *&c.*
22. A Bill for deſcending of Land.
23. A Bill for Succeſſion to the Goods of the deceaſed Inteſtate.
24. A Bill for Public Ports.
25. A Bill touching General Aſſemblies.
26. A Bill for the Probate of Wills.
27. A Bill for Civil Cauſes.
28. A Bill for Payment of Debts contracted out of the Province.
29. A Bill for Puniſhment of ill Servants.
30. A Bill for the Attainder of *William Cleyborne*.
31. A Bill for the limiting the Times of Service.
32. A Bill for confirming the Sentence againſt * *Thomas Smith*.

* This *Smith*, having committed Piracy, was Arraigned, Tried, found Guilty, and ſentenced to Death by this Aſſembly. The reaſon of which Proceeding was, that the Lieutenant-General having no Power by his Commiſſion to puniſh with Loſs of Life or Member, unleſs by Laws to be made in the Province, and no ſuch Laws being made, it was neceſſary, for the due Execution of Juſtice, that the whole Legiſlative Body ſhould concur in this Man's Condemnation.

33. A Bill for Corn Meaſures.
34. A Bill for Fees.
35. A Bill for Payment of Forfeitures.
36. A Bill for Treaſons.
37. A Bill for Capital Offences.
38. A Bill allowing Clergy to ſome Capital Offences.
39. A Bill for arbitrary Puniſhment of enormous Offences.
40. A Bill for Puniſhment of certain Crimes in the County Court.
41. A Bill for Puniſhment of leſſer Crimes.
42. A Bill for Support of the Lord Proprietary.

At a GENERAL ASSEMBLY, begun and held at the Fort of *St. Mary*'s, on the 25th Day of *February* 1638, and the ſame Day removed to *St. John*'s, and there continued till the 19th Day of *March*, were Enacted the following Laws.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

CHAP. I.

Paſſed, 25th *Feb.* 1638. *An Act for eſtabliſhing the Houſe of Aſſembly, and the Laws to be made therein.* C. O. *fol.* 128. *and Lib.* C *and* WH. *fol.* 61.

N. B. By this Act, the ſeveral Perſons elected and returned (purſuant to the Writs iſſued) ſhall be called BURGESSES, and ſupply the Place of all the Freemen conſenting to ſuch Election, in the ſame Manner, and to all the ſame Intents and Purpoſes, as the Burgeſſes in any Borough in *England*, in the Parliament of *England*, uſe to ſupply the Place of the Inhabitants of their reſpective Boroughs: And that the Gentlemen ſummoned by his Lordſhip's ſpecial Writ, to each of them directed, the ſaid Burgeſſes, and ſuch other Freemen who have not conſented to any of the Elections as aforeſaid, as ſhall be at any Time aſſembled, or any Twelve or more of them (whereof the Lieut. General and Secretary to be always Two) ſhall be called THE HOUSE OF ASSEMBLY. And all Acts, *&c.* aſſented unto and approved by the ſaid Houſe, or major Part thereof, and afterwards aſſented unto by the Lieut. General, in the Name of the Lord Proprietary, ſhall be adjudged and eſtabliſhed for Laws, to the ſame Force, *&c.* as if his Lordſhip and all the Freemen of this Province were perſonally preſent, and did aſſent, *&c.*

CHAP. II.

Paſſed, 19th *March*, 1638. *An Act ordaining certain Laws for the Government of this Province.* C. O. *fol.* 130. *Lib.* C *and* WH. *fol.* 63.

Obſervatr. on Stat. p. 6. The word. of Magn Charta Ch. 1.

N. B. By this Act (which ſeems to have been calculated for ſupplying the want of Laws till a proper Body ſhould be agreed upon) it was Enacted, (1.) Holy Church within this Province ſhall have all her Rights and Liberties. (2.) All Inhabitants ſhall take an Oath of Allegiance to his Majeſty. (3.) The Lord Proprietary ſhall have all his Rights and Prerogatives. (4.) The Inhabitants ſhall have all their Rights and Liberties according to the great Charter of *England*. (5.) The Lieut. General (within the Province) and the Commander of the *Iſle of Kent* (within that Iſland) except Appeal be made from him, and the Council of the Province, in Cauſes wherein the Lieut. General is Plaintiff, ſhall cauſe Right and Juſtice to be done in all Cauſes civil, according to the Laws or laudable Uſages of this Province, or otherwiſe according to the Laws or laudable Uſages of *England* in the ſame or the like Caſes, as near as he or they ſhall be able to judge. And ſhall try all ſuch Cauſes, and uſe, command, *&c.* all Power and Means neceſſary and conducing thereunto. And the ſaid Lieut. General, and Commander, ſhall take an Oath to adminiſter equal Juſtice to all Perſons, without Favour or Malice of any one. (6.) The Lieut. General, or any one of the Council (within the Province) and Commander of *Kent* (within that Iſland) ſhall uſe, *&c.* all Power and Means neceſſary to the apprehending of Felons, or keeping of the Peace. And the Lieut. General and Council, ſhall and may try and cenſure all Offenders, with any Puniſhments as they ſhall think the Offence to deſerve; except that, in Crimes extending to Life or Member, the Offender ſhall be firſt Indicted, and afterwards Tried, by 12 Freemen at the leaſt. And the Commander of *Kent* (within that Iſland) ſhall and may try and cenſure all Offenders within that Iſland, with ſuch corporal Shame or Correction (not extending to Life or Member) as he ſhall think the Offence to deſerve. And every Councillor ſhall take Oath to defend and maintain the Rights and Prerogatives of the Lord Proprietary in all Things, and to aſſiſt the Execution of Juſtice without Favour or Malice of any one, and to do all other Things as becomes a Councillor to do. (7.) The Secretary ſhall prove Wills, and grant Adminiſtrations, and uſe, *&c.* all Power, *&c.* neceſſary thereto. And the Commander of *Kent* to take Order for the ſaving of the Goods of deceaſed Perſons within that Iſland, till a Will be Proved, or Adminiſtration granted. (8.) The Captain of the military Band (at the Direction of the Lieut. General) ſhall uſe, *&c.* all Power, *&c.* neceſſary or conducing in his Diſcretion to the Safety or Defence of the Province. And the Commander of *Kent* to do the like within that Iſland. (9.) All Officers Fees to be paid according to * a Bill upon the Records of this Aſſembly: And all neceſſary public Charges to be defrayed by the Treaſurer of the Province, upon Account of the Colony or Province, by Warrant from Time to Time from the Lieut. General and Council. (10.) If any Goods be within the Province, without any challenging the ſame and having Right thereunto, the Lieut. General and Council ſhall appoint how the ſame ſhall be employed. (11.) Where the Goods of a Debtor ſued are not ſufficient to pay all his Debts within the Province, they ſhall be Sold at an Out-cry, and diſtributed equally among all the Creditors inhabiting within the Province: Except that the mere and proper Debts of the Lord Proprietary ſhall be firſt ſatisfied, and then Fees and Duties to public Officers and Charges; and that Debts for Wine and Hot-Waters be not ſatisfied till all other Debts be paid. (12.) Every Perſon planting Tobacco ſhall plant and tend two Acres of Corn. (13.) All Tobaccoes ſhipped out of the Province (except to *England*, *Ireland*, or *Virginia*) ſhall pay a Cuſtom of Five in the

* *Viz.* The Bill N°. 14, which among others was ingroſſed, but not paſſed this Seſſion.

the Hundred. (14.) The Lieut. General and Secretary (or his Deputy) and Gentlemen ſummoned by ſpecial Writ, and one or two Burgeſſes out of every Hundred (at the choice of the Freemen) at any Time hereafter aſſembled, ſhall be judged a General Aſſembly. (15.) All Commiſſions from or under the Lord Proprietary, which ſhall be in Force at his Death, ſhall remain in the ſame Force until a new Commiſſion for the Government publiſhed under the Great Seal. (16.) Any Bargain which the Lieut. General and Council ſhall make with any Undertaker, for the ſetting up of a Water-Mill for the uſe of this Colony, ſhall be levied upon all Inhabitants of the Colony, in ſuch Manner as the Lieut. General and Council ſhall appoint; ſo it exceed not 10,000 lb of Tobacco in a Year, for two Years only. CHAP. II.

This Act was to endure till the End of the next General Aſſembly; or (if ſuch General Aſſembly be not ſooner called) for Three Years only.

By 1641, *ch.* 4, ſo much of this Law as concerns the Rights of the Lord Proprietary, and Peoples Liberties, the Power of Judicature in civil and criminal Cauſes, the Captain of the military Band, Officers Fees, the ſettling the Houſe of Aſſembly, the Payment of Debts among all Creditors by equal Partitions, *&c.* and the Cuſtom of Tobacco, was revived and continued until the end of the next Aſſembly, to begin on the 12th of *November* enſuing, unleſs ſome Aſſembly ſhould be called ſooner. So that it totally expired the 2d *Auguſt* 1642.

The following Thirty-ſix Bills were twice Read in this Aſſembly, and Ingroſſed, but never Read the third Time, nor Paſſed the Houſe. They are Recorded C. O. *from fol.* 53, *to fol.* 128, *incluſive, as alſo in Lib.* C *and* WH.

1. An Act for Church Liberties. *Lib.* C *and* WH. *fol.* 1.

N. B. This Bill was intended to continue in Force till the End of the next General Aſſembly, and then, with Conſent of the Lord Proprietary, to be perpetual.

2. An Act for Swearing Allegiance. *Ibid.*

3. An Act for the Liberties of the People. *Ibid. fol.* 2.

N. B. They are thus enumerated in the Bill, *viz.* all Chriſtian Inhabitants (Slaves excepted) to have and enjoy all ſuch Rights, Liberties, Immunities, Privileges and Free Cuſtoms, within this Province, as any natural Born Subject of *England* hath, or ought to have or enjoy, in the Realm of *England* by force or virtue of the Common Law, or Statute Law of *England*, ſaving in ſuch Caſes as the ſame are or may be altered or changed by the Laws and Ordinances of this Province; and ſhall not be impriſoned or diſſeized or diſpoſſeſſed of their Freehold, Goods or Chattels, or be outlawed, exiled, or otherwiſe deſtroyed, fore-judged, or puniſhed, than according to the Laws of this Province: Saving to the Lord Proprietary and his Heirs, all his Rights and Prerogatives by reaſon of his Domination and Seigniory over this Province, and the People of the ſame.

4. An Act for maintaining the Lord Proprietary's Title to the Lands of this Province. *Ibid. fol.* 3.

5. An Act for Trade with the *Indians*. *Ibid.*

6. An Act for the ſeveral Oaths to be taken by Judges and Public Officers. *Ibid. fol.* 6.

N. B. The Oath of a Judge propoſed by this Bill, is in the following Words, *viz.* "I *A. B.* "do Swear, that (whilſt I am a Member of this Province) I will bear true Faith to the Right "Honorable CÆCILIUS Lord of this Province, and his Heirs (ſaving my Allegiance to the Crown "of *England*) and his and their due Rights and Juriſdictions, and every of them, will defend "and maintain to my Power. To none will I delay or deny Right. Reward of none will I "take for doing of Juſtice: But equal Juſtice will adminiſter in all Things to my beſt Skill "(without Fear, Favour or Malice of any Perſon) according to the Laws of this Province. So "help me GOD."

7. An Act for erecting a Court of Admiralty. *Ibid. fol.* 9.

8. An Act for the erecting of a County Court. *Ibid. fol.* 11.

9. An Act for the erecting of a Court of Chancery. *Ibid. fol.* 14.

10. An Act for the erecting of a Prætorial. *Ibid. fol.* 15.

11. An Act for the Authority of Juſtices of the Peace. *Ibid. fol.* 18.

12. An Act for the appointment of certain * Officers. *Ibid. fol.* 21.

* *Viz.* a Tything-man in each Manor, a Conſtable in each Hundred, a Sheriff and Coroner in the County, and a public Executioner for inflicting all corporal Correction and Puniſhment.

13. An Act for the Government of the *Iſle of Kent*. *Ibid. fol.* 22.

14. An Act for Fees. *Ibid. fol.* 26.

N. B. The Fees in this Bill were eſtabliſhed by a Law paſſed this Seſſion. *See above, ch.* 2. §. 9.

15. An Act for the common defraying of certain public Charges. *Ibid. fol.* 28.

N. B. By this Bill the Charges of all Expeditions againſt *Indians* and other Enemies or Rebels (thought neceſſary by the Lieut. General and Council) were to be levied upon all the Inhabitants of the Province rateably to their Perſonal Eſtates, in ſuch Manner, and after ſuch Proportions, as the General Aſſembly, or Lieut. General and Council, ſhould Rate and Tax the ſame.

16. An Act for the deſcending of Land. *Ibid. fol.* 29.

17. An Act for aſſuring of Titles to Land. *Ibid. fol.* 32.

18. An Act for enrolling of Grants. *Ibid. fol.* 33.

19. An Act for the Peopling of the Province. *Ibid. fol.* 34.

N. B. By this Bill, if any Perſons (to whom Manors, Lands or Tenements, ſhould be Granted by the Lord Proprietary) ſhould not for three whole Years together, have ſo many able Perſons, being Chriſtians, ſettled, *&c.* in or upon the ſame Land, as are mentioned in the original Grant thereof to be the Conſideration of granting the ſame, his Lordſhip was impowered to Grant or Leaſe any Part or Parts of ſuch unoccupied Lands, to any other Perſon, for a Life, or Seven Years, and to receive the Fine and firſt Year's Rent.

20. An Act for Succeſſion to Goods. *Ibid.*

21. An Act for Recovering of Debts. *Ibid. fol.* 38.

22. An Act for Treaſons. *Ibid. fol.* 45.

N. B. By this Bill the following Offences were to be adjudged Treaſons within this Province, *viz.* To compaſs or conſpire the Death of the King, or the Queen his Wife, or of his Son and Heir; or to levy War againſt his Majeſty, or to counterfeit the King's Great or Privy Seal, or his Coin; or to join or adhere to any foreign Prince or State, being a profeſſed Enemy of his Majeſty, in any Practice or Attempt againſt his ſaid Majeſty: Or to compaſs, conſpire, or cauſe the Death of the Lord Proprietary within this Province, or of his Lieut. General for the Time being, (in Abſence of his Lordſhip,) or to join, adhere or confederate with any *Indians*, or any foreign Prince or Governor to the invading of this Province, or diſheriting the Lord Proprietary of his Seigniory and Dominion therein. All Offences of Treaſon to be puniſhed by Drawing, Hanging and Quartering of a Man, and Burning of a Woman; the Offender's Blood to be corrupted, and to forfeit all his Lands, Tenements, Goods, *&c.* to his Lordſhip. But Puniſhment of Death to be inflicted on a Lord of a Manor by Beheading.

23. An Act for Felonies. *Ibid. fol.* 46.

24. An Act allowing Book to certain Felonies. *Ibid. fol.* 47.

25. An Act determining enormous Offences. *Ibid. fol.* 48.

26. An Act what Perſons ſhall be called to every General Aſſembly. *Ibid. fol.* 50.

N. B. By this Act (which was intended to be perpetual) every Member of the Council, and any other Gentlemen of able Judgment and Quality ſummoned by his Lordſhip's Writ, and the Lord of every Manor within the Province, together with one, two, or more able and ſufficient Men (as the Freemen ſhould think good) elected for each Hundred, in purſuance of Writs iſſued for calling any General Aſſembly, and no other, ſhould have a Voice, Seat and Place in ſuch General Aſſembly. And every Act therein made by Perſons ſo called, elected, *&c.* or the majority of them, and aſſented to by the Lord Proprietary, *&c.* or his Lieut. General thereunto Authorized by ſpecial Warrant from his Lordſhip, *&c.* to be of as good Force, *&c.* as if his Lordſhip and all the Freemen in the Province, had been perſonally preſent at ſuch General Aſſemblies, and had conſented to and approved of the making and enacting ſuch Laws, *&c.* Provided that all Acts ſo approved by the Freemen, and by the Lieut. General in his Lordſhip's Name, ſhould be of Force until the Lord Proprietary ſhould ſignify his Diſſaſſent to the ſame under the Great Seal, and no further or longer.

27. An Act concerning the Calling of General Aſſemblies. *Ibid. fol.* 52.

N. B. By this Bill (intended to be perpetual) Aſſemblies were to be called once in every three Years at the leaſt, *&c.* and the Freemen aſſembled therein, to have the like Power, Privilege, Authority and Juriſdiction, in Cauſes and Matters ariſing within this Province, as the Houſe of Commons in *England* have had, uſed or enjoyed, or of Right ought to have, uſe or enjoy, in any Matters, *&c.* which have at any Time happened or riſen within the Realm of *England.*

28. An Act for the Building of the Town-Houſe. *Ibid. fol.* 53.

29. An Act for Public Ports. *Ibid.*

N. B. By this Bill, no Perſon ſhall Ship or Unlade Goods, *&c.* but only at or in ſuch Creeks or Ports as ſhall from Time to Time be appointed by the Lord Proprietary, or his Lieut. General, on Forfeiture of the Goods, *&c.* ſo ſhipped or unladen.

30. An Act that all Accomptants to the Lord Proprietary ſhall account upon Oath. *Ibid. fol.* 54.

31. An Act for Military Diſcipline. *Ibid. fol.* 55.

32. An Act for a Ferry upon *St. George*'s River. *Ibid. fol.* 56.

33. An Act for Planting of Corn. *Ibid. fol.* 57.

34. An Act for Meaſures and Weights. *Ibid. fol.* 58.

35. An Act for limiting the Times of Servants. *Ibid. fol.* 59.

36. An Act for a Cuſtom on certain Tobaccoes. *Ibid. fol.* 60.

Viz. Five per Cent on all Tobaccoes Exported (except to *England*, *Ireland* and *Virginia*) to the Lord Proprietary. This Bill was intended to be perpetual.

All the above Bills [except N°. 1, 26, 27, 28, and 36,] were to be in Force to the end of the next General Aſſembly.

Memorandum. On the 28th of *February*, one *John Richardſon* was Tried, found Guilty, and Sentenced by the Aſſembly for Flight, and carrying away of Goods unlawfully from his Maſter. The reaſon of which mode of Proceeding was the ſame as that taken notice of in the Note on N°. 32, in the Year 1637, *viz.* the want of Power by the Provincial Laws to puniſh with Loſs of Life or Member. For the Act *ch.* 2, of this Seſſion was not made till the 19th of *March* following.

At

At a Seſſion of GENERAL ASSEMBLY, begun and held at *St. John's*, on the 12th, and ended the 23d Day of *October* 1640, were Enacted the following Laws; which were all Publiſhed, under the Great Seal, the 30th Day of the ſame Month.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

CHAP. I.

An Act for Church Liberties. *Lib.* C *and* WH. *fol.* 67, *and* 106. *Lib.* WH. *fol.* 111, *and Lib.* WH *and* L. *fol.* 1. Paſſed 23d of *October* 1640.

Confirmed as a perpetual Law by 1676, *ch.* 2, and enacts, that "Holy Church within this "Province, ſhall have and enjoy all her Rights, Liberties and Franchiſes, wholly and without "Blemiſh."

CHAP. II.

An ACT for uncertain Goods. *Lib.* C *and* WH. *fol.* 68, *and* 111. *Lib.* WH. *fol.* 108. *and Lib.* WH *and* L. *fol.* 4. Ditto.

Confirmed as a perpetual Law, by 1676, *ch.* 2.

ALL uncertain Goods, to which no Party juſtly claimeth Right, ſhall be to the Lord Proprietary, or his Aſſigns; and ſhall be ſold at an Out-cry. Uncertain Goods belong to his Lordſhip,

II. But any Party having Right to the Goods, or to the Diſpoſure of them, claiming within Three Years, ſhall be reſtored to his Right. And the Finder of ſuch Goods ſhall have the one Half for his Pains and Charges. unleſs claimed within 3 Years, &c.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

An Act providing againſt ſudden Accidents in the Government. *Lib.* C *and* WH. *fol.* 68, *and* 111. *Lib.* WH. *fol.* 111, *and Lib.* WH *and* L. *fol.* 4. Paſſed 23d of *October* 1640.

Confirmed as a perpetual Law, by 1676, *ch.* 2, and enacted, that all Commiſſions from or under the Lord Proprietary which ſhall be in Force at his Death, ſhall remain in the ſame Force until a new Commiſſion for the Government, publiſhed under the Great Seal. And in caſe the Lieut. General ſhall Deceaſe or be Abſent out of the Province without nominating or ſubſtituting another in his Room, the firſt Councillor of State reſiding at *St. Mary's*, ſhall exerciſe the Office of Lieut. General in all Points belonging to it, until his return into the Province, or that another be appointed by the Lord Proprietary.

CHAP. IV.

An Act for Fencing of Ground. *Lib.* C *and* WH. *fol.* 68, *and* 111. *EXP.* Ditto.

To endure for 2 Years after the End of this Aſſembly.

CHAP. V.

An Act prohibiting the Exportation of Corn. *Lib.* C *and* WH. *fol.* 68. *EXP.* Ditto.

To endure for 2 Years from the End of this Aſſembly.

CHAP. VI.

An Act for the Planting of Corn. *Lib.* C *and* WH. *fol.* 69. *EXP.* Ditto.

To endure 2 Years after the End of this Aſſembly.

CHAP. VII.

An Act touching Marriages. *Lib.* C *and* WH. *fol.* 69. *EXP.* Ditto.

To endure 2 Years, &c.

CHAP. VIII.

An Act touching Servants Cloathes. *Lib.* C *and* WH. *REP. by* 1676, *ch.* 2. Ditto.

CHAP. IX.

An Act for rating Artificers Wages. *Lib.* C *and* WH. *fol.* 70. *EXP.* Ditto.

To endure 2 Years, &c.

CHAP. X.

An Act touching Tobaccoes. *Lib.* C *and* WH. *fol.* 70. *EXP.* Ditto.

To endure 2 Years, &c.

N. B. By this ancient Inſpection Law, made within Eight Years from the firſt Settlement of the Colony (ſo early a Regulation of the Staple being found neceſſary) it was Enacted, (1.) No Tobacco

CHAP. X. Tobacco to be exported, 'til ſealed by a ſworn Viewer, on pain of treble Forfeiture. (2.) The Commander of every County to appoint and ſwear 3 Viewers in every Hundred. (3.) Any Perſon might demand a Viewer to view any Tobacco wherein he might have Intereſt, paying the Fee. (4.) If any Exception was taken at the Viewer's Judgment, the Owner of the Tobacco was to name one, the Creditor or Viewer another, and (if they diſſented) the Commander to name a third, which two or three ſhould determine the queſtion. (5.) Bad Tobaccoes were to be judged, Ground-Leaves, Second-Crop-Leaves, notably Bruiſed or Worm-eaten, or Leaves Houſe-burnt, Froſt-bitten, Weather-beaten in the Houſe, Sooty, Wet, or in too high Caſe, ſo that the Viewer, upon his Conſcience, might reaſonably think that it was not likely to laſt Sound 'til Midſummer following. (6.) Where a Hogſhead was found bad for the greater Part, it was to be burned; where, for the leſs Part, the Owner was to forfeit four-fold the quantity of the bad (ſo as it exceeded not the quantity in the Caſe or Cheſt) one half to the Viewer, the other half to the Lord Proprietary. (7.) The Viewer to have, for Viewing, Two Pounds of Tobacco per Hogſhead; for Receiving, Four Pounds; and for Burning, Ten Pounds of Tobacco per Hogſhead. (8.) All Caſes and Offences againſt this Act, to be determined, &c. by the Lieut. General and Council, or by the Commander and Aſſiſtants of any County, &c.

1641. ## At a Seſſion of GENERAL ASSEMBLY, begun and held at *St. Mary's*, on the 5th and ended the 12th Day of *Auguſt* 1641, were Enacted the following Laws.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

A

CHAP. I.

Paſſed 12th *Auguſt* 1641. *An Act againſt Fugitives. Lib.* C *and* WH. *fol.* 72.
This Act was paſſed without Limitation; yet another Act in the very ſame Words was paſſed in *March* Seſſion this current Year, *ch.* 6.

CHAP. II.

Ditto. *An Act for Meaſures. Lib.* C *and* WH. *fol.* 72. *EXP.*
To continue for 2 Years, &c.

CHAP. III.

Ditto. *An Act for Cauſes Teſtamentary. Lib.* C *and* WH. *fol.* 73. *EXP.*
To continue for 2 Years, &c.

The above ACTS were Publiſhed, under the Great Seal, on the 15th *Auguſt* 1641.

At a Seſſion of GENERAL ASSEMBLY, begun and held at *St. Mary's* on the 21ſt, and ended the 23d Day of *March* 1641, were Enacted the following Laws.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

CHAP. IV.

Paſſed 23d of *March* 1641. *An Act for the putting in Force of ſome* * *Laws for the Government of the Province. Lib.* C *and* WH. *fol.* 75. *EXP.*
* *Viz.* Certain Branches of 1638, *ch.* 2, hereby continued 'til the end of the next Aſſembly, &c. See the Note upon that Act.

CHAP. V.

Ditto. *An Act for granting One Subſidy. Lib.* C *and* WH. *fol.* 76. *EXP.*
N. B. "The Freemen of this Province *(as ſet forth in the Preamble)* out of their Deſire to "return his Lordſhip ſome Teſtimony of their Gratitude for his Lordſhip's great Charge and "Sollicitude in maintaining the Government, and protecting the Inhabitants in their Perſons, "Rights and Liberties, and to contribute ſome Support towards it, ſo far as the young and poor "Eſtate of the Colony will yet bear, do deſire that it may be Enacted," &c. And the Subſidy granted was 15 lb of Tobacco per Poll, and Cask, for every Inhabitant of the Province, Male and Female, Children under the Age of 12 Years excepted, to be paid according to the Liſts or Returns made by the ſeveral Houſe-keepers, between the 25th *July* and 25th *Auguſt* next, under the Penalty of 30 lb of Tobacco for every ſuch Taxable concealed, &c.

CHAP.

CHAP. VI.

An Act againſt Fugitives. Lib. C *and* WH. *fol.* 78. *REP.* Paſſed 23d of *March* 1641.

N. B. This Act (which made it Felony of Death, together with forfeiture of Lands, Goods, *&c.* for any Apprentice Servant to depart away ſecretly from his or her Maſter or Dame, with Intent to convey him or herſelf away out of the Province; and in any other Perſon that ſhould wittingly accompany ſuch Servant in ſuch unlawful Departure; unleſs his Lordſhip, or his Lieut. General, ſhould think proper to change ſuch Pains of Death into a Servitude not exceeding Seven Years, *&c.*) was ſuperſeded by the Act of 1649, *ch.* 5, which laſt was repealed by 1676, *ch.* 2.

The above LAWS were Publiſhed, under the Great Seal, the 26th *March* 1642.

At a GENERAL ASSEMBLY, begun and held at *St. Mary*'s on the 18th Day of *July* 1642, in the 11th Year of the Dominion of the Right Honourable CÆCILIUS, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, and ended the 1ſt Day of *Auguſt* following. 1642.

Enacted by the Lord Proprietary, with the Conſent of the Freemen, as followeth.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

CHAP. I.

Any Ten Members of the Houſe, at any Time aſſembled, at the uſual or appointed Time (whereof the Lieutenant-General and Six Burgeſſes to be Seven) ſhall be a Houſe, unleſs Sickneſs do hinder that Number: In which Caſe only the Members preſent to make the Houſe. Lib. C *and* WH. *fol.* 79. *EXP.* Paſſed 19th *July* 1642.

N. B. The above Act firſt appeared as an Order of the Houſe of the 19th *July* 1642; but upon Motion of the Secretary, intimating the Neceſſity of it's paſſing by way of Bill, it was Read as a Bill, and paſſed by all the Freemen, and then Enacted by the Lieut. General, in his Lordſhip's Name, for a Law. And, on the Day following, *viz.* the 20th *July*, 1642, it was again read, and two Clauſes were added, (1.) The Repeal of all former Acts touching the Houſe of Aſſembly: And (2.) The limiting of this Act to endure 'til the End of the next Aſſembly: Which being accepted, it was accordingly that ſame Day, publiſhed under the Great Seal.

CHAP. II.

An Act for Support of the Government. Lib. C *and* WH. *fol.* 79. *EXP.* Paſſed 30th *July* 1642.

Viz. Five per Cent on all Tobaccoes exported, except to *England*, *Ireland*, or *Virginia*, as the laſt Port.

CHAP. III.

An Act for Judges. Lib. C *and* WH. *fol.* 80. *EXP.* Ditto.

CHAP. IV.

An Act for the Rule of Judicature. Lib. C *and* WH. *fol.* 80. *EXP.* Ditto.

N. B. By this Act (1.) Right and juſt, in all Civil Cauſes, to be determined according to the Law, or moſt general Uſage of the Province ſince it's Plantation, or former Precedents of the ſame or the like Nature. (2.) In defect of ſuch Law, Uſage or Precedent, then according to Equity and good Conſcience; not neglecting (ſo far as the Judges ſhall be informed thereof, and ſhall find no inconvenience in the Application to this Province) the Rules by which Right and Juſt uſeth and ought to be determined in *England*, in the ſame or the like Caſes. (3.) All Crimes and Offences to be judged according to the Law of the Province: Or, in defect of certain Law, according to the Judges beſt Diſcretion, judging as near as conveniently may be to the laudable Law or Uſage of *England* in the ſame or the like Offences. (4.) But no Perſon to be adjudged of Life, Member, or Free-hold, without Law certain of the Province.

CHAP. V.

An Act providing for Officers. Lib. C *and* WH. *fol.* 81. *EXP.* Ditto.

CHAP. VI.

An Act touching Appeals. Lib. C *and* WH. *fol.* 82. *EXP.* Ditto.

CHAP. VII.

An Act appointing the Order wherein Cauſes ſhall be heard and determined. Lib. C *and* WH. *fol.* 82. *EXP.* Ditto.

CHAP.

CHAP. VIII.

Passed 30th *July* 1642. *An Act appointing Court-Days. Lib.* C *and* WH. *fol.* 83. *EXP.*

CHAP. IX.

Ditto. *An Act providing Remedy for Plaintiffs in certain Cases. Lib.* C *and* WH. *fol.* 84. *EXP.*

CHAP. X.

Ditto. *An Act for the Forms of Proceedings in Causes. Lib.* C *and* WH. *fol.* 85. *EXP.*

CHAP. XI.

Ditto. *An Act ordering some Things touching the Trial and Judging of Causes. Lib.* C *and* WH. *fol.* 85. *EXP.*

CHAP. XII.

Ditto. *An Act touching Verdicts and Judgments. Lib.* C *and* WH. *fol.* 86. *EXP.*

CHAP. XIII.

Ditto. *An Act providing some Rule for Executions. Lib.* C *and* WH. *fol.* 87. *EXP.*

CHAP. XIV.

Passed 1st of *August* 1642. *An Act touching Execution upon Corn and Tobacco. Lib.* C *and* WH. *fol.* 89. *EXP.*

CHAP. XV.

Ditto. *An Act touching Causes Testamentary. Lib.* C *and* WH. *fol.* 91. *EXP.*

CHAP. XVI.

Ditto. *An Act touching Succession to Goods of Intestate Persons. Lib.* C *and* WH. *fol.* 94. *EXP.*

CHAP. XVII.

Ditto. *An Act touching Succession to Land. Lib.* C *and* WH. *fol.* 95. *EXP.*

CHAP. XVIII.

Ditto. *An Act touching Assignments. Lib.* C *and* WH. *fol.* 95. *EXP.*

CHAP. XIX.

Ditto. *An Act ordaining Punishment for certain greater Capital Offences. Lib.* C *and* WH. *fol* 96. *EXP.*

CHAP. XX.

Ditto. *An Act ordaining Punishment for certain lesser Capital Offences. Lib.* C *and* WH. *fol.* 96. *EXP.*

CHAP. XXI.

Ditto. *An Act for Punishment of some Offences not Capital. Lib.* C *and* WH. *fol.* 97. *EXP.*

CHAP. XXII.

Ditto. *An Act for the Punishment of Drunkenness. Lib.* C *and* WH. *fol.* 98. *EXP.*

CHAP. XXIII.

Ditto. *An Act for the Punishment of Swearing. Lib.* C *and* WH. *fol.* 98. *EXP.*

CHAP. XXIV.

Ditto. *An Act appointing a Fee for the Serjeants of the Trained Band. Lib.* C *and* WH. *fol.* 98. *EXP.*

CHAP. XXV.

Ditto. *An Act touching taking up of Land. Lib.* C *and* WH. *fol.* 99. *EXP.*

CHAP. XXVI.

Ditto. *An Act touching Passes. Lib.* C *and* WH. *fol.* 99. *EXP.*

CHAP. XXVII.

Ditto. *An Act providing for the Planting of Corn. Lib.* C *and* WH. *fol.* 100. *EXP.*

CHAP. XXVIII.

Ditto. *An Act limiting the Exportation of Corn. Lib.* C *and* WH. *fol.* 101. *EXP.*

CHAP. XXIX.

Ditto. *An Act against Ingrossers and Forestallers. Lib.* C *and* WH. *fol.* 102. *EXP.*

CHAP. XXX.

Ditto. *An Act determining what shall be adjudged a lawful Tender. Lib.* C *and* WH. *fol.* 102. *EXP.*

N. B. All the foregoing ACTS were limited to endure to the End of the next Assembly; so that they expired on the 13th *September* this present Year, when they were all re-enacted, except *ch.* 1, 5, 7, 27, 28, 29, and 30, which were not revived.

After these ACTS immediately follows,

The TABLE of Officers Fees. *Assessed and Published by the Lieut. General and Council, on the 1st Day of* August 1642: *To be paid in Tobacco, with Cask. Lib.* C *and* WH. *fol.* 103.

At

At a Seſſion of ASSEMBLY, begun and held at *St. Mary's*, on Monday the 5th *September* 1642, in the 11th Year of the Dominion of CÆCILIUS, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, *&c.* and ended the 13th Day of the ſame Month, were Enacted the Acts following.

The Hon. LEONARD CALVERT, Eſq; Lieut. General.

CHAP. XXXI.

An Act for the Support of Government. EXP. — Paſſed 13th *Septem.* 1642.

CHAP. XXXII.

An Act for Judges. EXP. — Ditto.

CHAP. XXXIII.

An Act for Rule of Judicature. EXP. — Ditto.

CHAP. XXXIV.

An Act touching Appeals. EXP. — Ditto.

CHAP. XXXV.

An Act appointing Court Days. EXP. — Ditto.

CHAP. XXXVI.

An Act providing Remedy for Plaintiffs in ſome Caſes. EXP. — Ditto.

CHAP. XXXVII.

An Act for the Forms of Proceedings in Cauſes. EXP. — Ditto.

CHAP. XXXVIII.

An Act ordering ſome Things touching the Trial and Judging of Cauſes. EXP. — Ditto.

CHAP. XXXIX.

An Act touching Verdicts and Judgments. EXP. — Ditto.

CHAP. XL.

An Act providing ſome Rule for Executions. EXP. — Ditto.

CHAP. XLI.

An Act touching Cauſes Teſtamentary. EXP. — Ditto.

CHAP. XLII.

An Act touching Succeſſion to Lands. EXP. — Ditto.

CHAP. XLIII.

An Act touching Succeſſion to Goods of Inteſtate Perſons. EXP. — Ditto.

CHAP. XLIV.

An Act touching Aſſignments. EXP. — Ditto.

CHAP. XLV.

An Act ordaining Puniſhment for certain greater Capital Offences. EXP. — Ditto.

CHAP. XLVI.

An Act for Puniſhment of certain leſſer Capital Offences. EXP. — Ditto.

CHAP. XLVII.

An Act for Puniſhment of ſome Offences not Capital. EXP. — Ditto.

CHAP. XLVIII.

An Act for the Puniſhment of Drunkenneſs. EXP. — Ditto.

CHAP. XLIX.

An Act for the Puniſhment of Swearing. EXP. — Ditto.

CHAP. L.

An Act appointing a Fee for Serjeants of the Trained Band. EXP. — Ditto.

CHAP. LI.

An Act touching the taking up of Land. EXP. — Ditto.

CHAP. LII.

An Act touching Paſſes. EXP. — Ditto.

CHAP. LIII.

An Act touching Attachments and Executions upon Corn or Tobacco. EXP. — Ditto.

C H A P. LIV.

Passed 13th. Septem. 1642. *An Act for an Expedition against the* Indians. *OBS.*

C H A P. LV.

Ditto. *An Act providing some things for the better Safety of the Colony. EXP.*

N. B. All the LAWS of this Session (except *ch.* 54, for the *Indian* Expediton) were made to endure for 3 Years from the present Day: So that they expired on the 13th *September* 1645.

A Proclamation was issued the 16th *December* 1642, for a General Assembly of the Freemen to meet at *St. Mary*'s on the 3d *February* ensuing. But by another Proclamation of the 1st *February* 1642, the Assembly was dismissed, and all Men discharged of their Attendance on the Day appointed.

1643. A Proclamation issued the 28th *March* 1643, for the Freemen to be at a General Assembly at *St. Mary*'s on the 3d *April* following. But it does not appear, by any Record, whether they met accordingly, or what their Proceedings (if any) were.

1644. A Proclamation issued the 16th *November* 1644, for holding a General Assembly, and summoning all Freemen inhabiting within this Province to be at the said Assembly, either by themselves, or their Proxies or Burgesses, to consult and advise, &c. at *St. Mary*'s, on Tuesday the 3d *December* following. The Secretary was authorized (in case of the Governor's Absence at *St. Mary*'s on the said 3d of *December*) to prorogue it to such further Day as he should think fit. But no Record appears of their Meeting, Proceedings, or Prorogation, in pursuance of the above-mentioned Authority.

At a GENERAL ASSEMBLY, holden at *St. Mary*'s the 11th Day of *February* 1644, was Enacted the following Law.

The Hon. LEONARD CALVERT, Esq; Governor.

C H A P. I.

An Act for the Defence of the Province. EXP.

N. B. This Act was to enable the Governor, for one Year only, to establish and support a Garrison at *Piscattaway*, &c. And the Charge of the late Expedition to *Kent* to be discharged out of the Levy granted by this Act, &c.

1646. ## At a GENERAL ASSEMBLY held at *St. Inegoe*'s Fort, the 29th *December* 1646, and ended the 2d Day of *January* following.

The Hon. LEONARD CALVERT, Esq; Governor.

C H A P. I.

Passed 2d of *Jan.* 1646. *An Act for Customs. REP. by* 1661, *ch.* 6.

C H A P. II.

Ditto. *An Act touching Judicature.*

Confirmed among the perpetual Laws by 1676, *ch.* 2, and at length *REP.* 1678, *ch.* 16.

N. B. The Act of 1650, *ch.* 6, takes Notice of the Sheriffs Fees set down and expressed in an Act of Assembly made at *St. Inegoe*'s Fort the 2d *January* 1646, then remaining upon Record with the Secretary, and confirms the same 'til a further Settlement therein.

And no other Traces of the Acts or Proceedings of this Session appear upon Record that I could discover.

At

At a Seſſion of ASSEMBLY, begun and held at *St. John*'s, on Thurſday the 20th Day of *January* 1647, and ended the 4th Day of *March* following, were Enacted the following Laws.

1647-8.

THOMAS GREENE, Eſq; Governor.

CHAP. I.

An Act for the ſettling the preſent Houſe of Aſſembly. EXP. Paſſed 20th *Jan.* 1647. — 8

N. B. By this Act, his Lordſhip's Council preſent in the Province, and Sixteen of the Freemen (therein named) or any Ten of them aſſembled, with the Governor and Clerk of the Aſſembly, were conſtituted a Houſe of Aſſembly to all Intents, *&c.*

CHAP. II.

An Order of this preſent Aſſembly for the levying of Corn, towards the defraying of the Soldiers Wages. EXP. Paſſed 24th *Jan.* 1647. — 8.

CHAP. III.

An Act touching the Extent of Attachments and Executions. REP. 1676, *ch.* 2. Paſſed 4th of *March* 1647. — 8.

CHAP. IV.

An Act touching the Payment of Debts. REP. 1676, *ch.* 2. Ditto.

CHAP. V.

An Act touching Pagans. Ditto.

Confirmed among the perpetual Laws by 1676, *ch.* 2, and *REP.* 1678, *ch.* 16.

CHAP. VI.

An Act for ſettling Government in the Province, as the preſent State of Things will permit. Ditto.

Viz. The 1ſt Clauſe touching Soldiers Wages. *DISSENT.*
2d, - - - - Court Days. *REP.* 1676, *ch.* 2.
3d, - - - - Levies and Judgments. *DISSENT.*
4th, - - - - Officers Fees. *DISSENT.*
5th, - - - - Oath of Fealty. *DISSENT.*
6th, - - - - Defence of the Province.
7th, - - - - The Fort of *St. Inegoe*'s.

N. B. I do not find the ACTS of this Aſſembly any where Recorded.

Acts and Orders of ASSEMBLY, aſſented to, enacted and made, at a General Seſſion of the ſaid Aſſembly, begun and held at *St. Mary*'s on the 2d Day of *April* 1649, and ended the 21ſt Day of the ſame Month.

1649.

WILLIAM STONE, Eſq; Governor.

CHAP. I. [**]

An Act concerning Religion. Lib. C *and* WH. *fol.* 106. *Lib.* WH. *fol.* 111. *and Lib.* WH *and* L. *fol.* 1. Paſſed 21ſt of *April* 1649.

Confirmed among the perpetual Laws 1676, *ch.* 2.

N. B. By this Law, (1.) Blaſphemy againſt GOD, denying our Saviour JESUS CHRIST to be the Son of GOD, or denying the Holy TRINITY, or the Godhead of any of the Three Perſons, *&c.* was to be Puniſhed with Death, and Confiſcation of Lands and Goods to the Lord Proprietary. (2.) Perſons uſing any reproachful Words or Speeches concerning the Bleſſed Virgin *Mary*, Mother of our Saviour, or the Holy Apoſtles or Evangeliſts, or any of them, for the 1ſt Offence to forfeit 5 *l.* Sterling to the Lord Proprietary; or, in default of Payment, to be publicly Whipped, and Impriſoned at the Pleaſure of his Lordſhip, or his Lieut. General. For the 2d Offence to forfeit 10 *l.* Sterling, or in default of Payment to be publicly and ſeverely Whipped, and Impriſoned as before directed. And for the 3d Offence to forfeit Lands and Goods, and be for ever Baniſhed out of the Province. (3.) Perſons reproaching any other within the Province by the Name or Denomination of Heretic, Schiſmatic, Idolater, Puritan, Independent, Preſbyterian, Popiſh Prieſt, Jeſuit, Jeſuited Papiſt, Lutheran, Calviniſt, Anabaptiſt, Browniſt, Antinomian, Barrowiſt, Round-Head, Separatiſt, or any other Name or Term, in a

CHAP. I.

reproachful Manner, relating to matter of Religion, to forfeit 10*s.* Sterling for each Offence; one half to the Perſon reproached, the other half to his Lordſhip: Or, in default of Payment, to be publicly Whipped, and ſuffer Impriſonment without Bail or Mainprize, until the Offender ſhall ſatisfy the Party reproached, by aſking him or her reſpectively Forgiveneſs publicly for ſuch Offence, before the chief Officer or Magiſtrate of the Town or Place where the Offence ſhall be given. (4.) Perſons profaning the Lord's-Day, by frequent Swearing, Drunkenneſs, or by any uncivil or diſorderly Recreation, or by Working on that Day (unleſs in caſe of abſolute Neceſſity) to forfeit, for the 1ſt Offence 2*s.* 6*d.* Sterling, for the 2d Offence 5*s.* Sterling, and for the 3d Offence, and every other Offence afterwards 10*s.* Sterling; and in default of Payment for the 1ſt and 2d Offence, to be impriſoned 'til he or ſhe ſhall publicly, in open Court, before the chief Commander, Judge, or Magiſtrate, of that County, Town, or Precinct, wherein ſuch Offence ſhall be committed, acknowledge the Scandal and Offence he hath in that reſpect given againſt GOD, and the good and civil Government of this Province; and for the 3d Offence, and every Time after, to be publicly Whipped. (5.) And whereas the enforcing of the Conſcience in Matters of Religion, hath frequently fallen out to be of dangerous Conſequence in thoſe Common Wealths where it hath been practiced, and for the more quiet and peaceable Government of this Province, and the better to preſerve mutual Love and Unity among the Inhabitants, *&c.* No Perſon or Perſons whatſoever, within this Province, or the Iſlands, Ports, Harbours, Creeks, or Havens, thereunto belonging, profeſſing to believe in JESUS CHRIST, ſhall from henceforth be any Ways troubled, moleſted, or diſcountenanced, for, or in reſpect of his or her Religion, nor in the free Exerciſe thereof, within this Province, or the Iſlands thereunto belonging, nor any Way compelled to the Belief or Exerciſe of any other Religion, againſt his or her Conſent, ſo as they be not unfaithful to the Lord Proprietary, or moleſt or conſpire againſt the Civil Government eſtabliſhed, or to be eſtabliſhed, in this Province, under him or his Heirs. And any Perſon preſuming, contrary to this Act and the true Intent and meaning thereof, directly or indirectly, either in Perſon or Eſtate, wilfully to diſturb, wrong, trouble, or moleſt, any Perſon whatſoever within this Province profeſſing to believe in JESUS CHRIST, for or in reſpect of his or her Religion, or the free Exerciſe thereof within this Province, otherwiſe than is provided for in this Act, ſhall pay treble Damages to the Party ſo wronged and moleſted, and alſo forfeit 20*s.* Sterling for every ſuch Offence, *&c.* one half to his Lordſhip, the other half to the Party moleſted, and on default of paying the Damage or Fine, be puniſhed by public Whipping, and Impriſonment at the Pleaſure of the Lord Proprietary, *&c.*

CHAP. II. [**]

Paſſed 21ſt of *April* 1649. *An Act for Puniſhment of ſuch as ſhall Counterfeit the Lord Proprietary, or his Heirs, Lords and Proprietaries of this Province, Great Seal of this Province. Lib.* C *and* WH. *fol.* 118. *Lib.* WH. *fol.* 147. *and Lib.* WH *and* L. *fol.* 8.

Confirmed among the perpetual Acts, 1676, *ch.* 2.

CHAP. III. [**]

Ditto. *An Act concerning purchaſing Lands from the* Indians. *Lib.* C *and* WH. *fol.* 114. *Lib.* WH. *fol.* 116. *and Lib.* WH *and* L. *fol.* 5.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

N. B. The Preamble recites, that divers Perſons have heretofore purchaſed or accepted of Lands, *&c.* from the *Indians*, and made uſe of and poſſeſſed the ſame, without any lawful Title and Authority derived from the Lord Proprietary, neglecting alſo to take out Grants from his Lordſhip, under the Great Seal, for ſuch Lands as have been due to them by virtue of his Lordſhip's Conditions of Plantations, or other Warrant from his Lordſhip, which Proceedings are not only very great Contempts and Prejudice to his Lordſhip's Dignity and Rights, but alſo of ſuch dangerous Conſequence, if not timely prevented, that they may hereafter bring a great Confuſion in the Government and public Peace of this Province. *Be it therefore Enacted by the Lord Proprietary, with the Aſſent and Approbation of the* Upper *and* Lower *Houſe of this Aſſembly, &c.* (1.) All Purchaſes or Acquiſitions whatſoever, of any Lands, *&c.* within this Province, made or to be made, from any Perſon whatſoever, not deriving at the ſame Time a lawful Title thereto, by, from, or under, his Lordſhip or his Heirs, under the Great Seal, ſhall be void and null. (2.) It ſhall be lawful for his Lordſhip to enter upon, ſeize, poſſeſs and diſpoſe of, any ſuch Lands, *&c.* ſo purchaſed or acquired from any *Indian* or other, at his Will and Pleaſure, unleſs ſuch Purchaſer, at the Time of ſuch Purchaſe or Acquiſition, have ſome lawful Right or Title to ſuch Lands, *&c.* by ſome Grant from his Lordſhip, *&c.* under the Great Seal.

CHAP. IV. [**]

Ditto. *An Act for the Puniſhment of certain Offences againſt the Peace and Safety of the Province. Lib.* C *and* WH. *fol.* 116. *Lib.* WH. *fol.* 146. *and Lib.* WH *and* L. *fol.* 7.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

CHAP. V. [**]

Ditto. *An Act againſt Fugitives. REP.* 1676, *ch.* 2. *and* 1678, *ch.* 16.

CHAP. VI. [**]

Ditto. *An Act touching* Indians. *Lib.* C *and* WH. *fol.* 121. *Lib.* WH. *fol.* 147. *and Lib.* WH *and* L. *fol.* 10.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

N. B. By this Law it was Felony of Death (without forfeiture of Eſtate) to take, entice, ſurprize, tranſport or ſell, any Friend *Indian*: And a Penalty of 1000 lb Tobacco laid on ſuch as ſhould deliver any Gun or Ammunition to any *Indian, &c.*

CHAP.

CHAP. VII. [**]

An Act touching Hogs and marking of Cattle. *REP.* 1678, *ch.* 16. Passed 21st of *April* 1649.
Confirmed among the perpetual Laws, 1676, *ch.* 2. An explanatory Act 1662, *ch.* 7. And an additional Act 1662, *ch.* 22.

CHAP. VIII. [**]

An Act for Planting of Corn. *Lib.* C *and* WH. *fol.* 120. *Lib.* WH. *fol.* 62: *and Lib.* WH *and* L. *fol.* 9. Ditto.
Confirmed among the perpetual Laws, 1676, *ch.* 2.
N. B. By this Act every taxable Person planting Tobacco, was obliged to plant and tend two Acres of Corn, on forfeiture of 50 lb Tobacco for every half Acre he should fall short of that proportion, besides 50 lb of Tobacco per Acre to be paid to the Constable and his Assistant.

CHAP. IX. [**]

An Act for the Support of the Lord Proprietary. *REP.* 1676, *ch.* 2. Ditto.
N. B. This Act (that his Lordship might better perceive the good Will of the Freemen, in complying with his Lordship so far as their poor distracted Condition could well bear, and to the End that he might be the better encouraged and enabled to protect them in their Lives, Liberties and Estates) gave a Custom to his Lordship of 10*s.* per Hundred on all Tobaccoes shipped upon any *Dutch* Vessel, and bound for any other Port than his Majesty's, for 7 Years, on forfeiture of all Tobaccoes chargeable with Custom transported, or attempted to be transported, afore Discharge had under the Hand of the Governor: One half to be yearly employed towards satisfaction of all Arrears and Claims touching the late Recovery and Defence of the Province, which should be brought into the Secretary's Office and made appear to be due, before the last Day of *March* ensuing, *&c.* And an Assessment also to be raised on all the Inhabitants for his Lordship's use, for replacing his Lordship's former Stock of Cattle distributed and disposed towards the Defence and Preservation of the Province, *&c.*

CHAP. X.

An Order touching the Lord Proprietor's Stock of Cattle, and other Estate, within this Province. Ditto.

CHAP. XI.

An Order of Assembly for the Defence of the Province, as the present Times will permit. Ditto.

CHAP. XII.

An Order providing for the Smith. Ditto.

N. B. All the ACTS of this Session marked thus [**] were confirmed by the Lord Proprietary, by an Instrument under his Hand and Seal, dated the 6th *August* 1650. And are Recorded in the Land-Office, *Lib.* N° 2, *from fol.* 490, *to fol.* 505, and in the Council Book, *fol.* 354, *to* 372.

It appears, from the enacting Stile of these Laws, *viz. By the Lord Proprietary, with the Assent and Approbation of the Upper and Lower Houses, &c.* that the Assembly was then actually divided into Two distinct and separate Houses. But how the same was effected does not appear, there being no Record extant of any Proceedings of this Assembly, except those of their last Day of sitting to receive the Report of the Committee for settling the public Charge, and of a Letter from the Assembly to his Lordship. That it was at the Desire of the Freemen is probable, from their former Application to that Purpose, on the 18th *July* 1642, in the following Words, *viz.*

" ROBERT VAUGHAN, *in the Name of the Rest, desired that the House might be separated, and* " *the Burgesses to be by themselves, and to have a Negative. But was not Granted by the Lieutenant-* " *General.*"

Acts and Orders, enacted, made and ordered, by WILLIAM STONE, Esq; Governor, with the Consent of the Upper and Lower Houses of ASSEMBLY, at a General Session thereof, begun the 6th and ended the 29th Day of *April* 1650. 1650.

N. B. To this Assembly, Burgesses were sent as Delegates or Representatives of the Freemen of the several Hundreds, there being then only Two Counties, *viz. St. Mary's*, and the *Isle of Kent* County; that Part of the Province, then called *Providence*, being erected into a County, by the Name of *Ann-Arundel*, this present Session, *ch.* 8.

The Number of Delegates were Fourteen, *viz.*

For

For *St. Mary's* Hundred,	2
St. Inego's, - - -	1
S. Michael's, - - -	2
St. George's, - - -	2
Newtown, - - - -	3
St. Clement's, - - -	1
Kent-Iſland, - - -	1
Providence, - - - -	2
	14

The Separation of this Aſſembly into Two diſtinct Houſes, was confirmed by an Act paſſed the firſt Day of their ſitting, a Copy whereof is here inſerted; and the Lower Houſe choſe Mr. *James Cox*, one of the Burgeſſes for *Providence*, to be their Speaker, and *William Bretton* for their Clerk.

CHAP. I.

Paſſed 6th of *April* 1650.

An Act for ſettling of this preſent Aſſembly. L. O. *Lib.* N° 3. *fol.* 49.

BE IT ENACTED *by the Lord Proprietary, with the Advice and Conſent of the Council and Burgeſſes of this Province now aſſembled,* That the preſent Aſſembly, during the continuance thereof, be held by Way of Upper and Lower Houſe, to ſit in two diſtinct Houſes, apart, for the more convenient Diſpatch of the Buſineſs therein to be conſulted of: And that the Governor and Secretary, or any one or more of the Council, for the Upper Houſe; and Mr. *John Hatch*, Mr. *Walter Beane*, Mr. *John Medley*, Mr. *William Broughe*, Mr. *Robert Robins*, Mr. *Francis Poſie*, Mr. *Philip Land*, Mr. *Francis Brooke*, Mr. *Thomas Matthews*, Mr. *Thomas Sterman*, Mr. *George Manners*, Burgeſſes for *St. Mary's* County, Capt. *Robert Vaughan*, Commander and Burgeſs for the *Iſle of Kent* County, Mr. *George Puddington*, and Mr. *James Cox*, Burgeſſes of that Part of the Country now called *Providence*, or any Five or more of them, for the Lower Houſe, together with the Clerk of that Houſe for the Time being, who ſhall from Time to Time aſſemble themſelves, at the Time and Place to be by the Governor (or whomſoever of the Council he ſhall, by Writing under his Hand, depute for that purpoſe) from Time to Time appointed, during this preſent Aſſembly, ſhall have the full Power of, and be, Two Houſes of Aſſembly, to all Intents and Purpoſes. And all Bills which ſhall be Paſſed by the ſaid Two Houſes, or the major Part of both of them, and Enacted or Ordained by the Governor, ſhall be Laws of the Province, after Publication thereof under the Hand of the Governor, and the Great Seal of the Province, as fully, to all Effects in Law, as if they were Adviſed and Aſſented unto by all the Freemen of the Province perſonally.

CHAP. II.

Paſſed 29th *April* 1650.

An Act for Puniſhment of certain Offences, as Swearing, Curſing, Adultery, &c. *Lib.* WH. *fol.* 123. *Lib.* C *and* WH. *fol.* 129. *aud Lib.* WH *and* L. *fol.* 14.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

CHAP. III.

Ditto. *An Act for Puniſhment of ſome other Offences. Lib.* WH. *fol.* 123. *Lib.* C *and* WH. *fol.* 129. *and Lib.* WH *and* L. *fol.* 14.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

CHAP. IV.

Ditto. *An Act prohibiting all Compliance with Capt.* William Cleyborne, *in oppoſition of his Lordſhip's Right and Dominion over this Province. Lib.* WH. *fol.* 124. *Lib.* C *and* WH. *fol.* 130. *and Lib.* WH *and* L. *fol.* 14.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

CHAP. V.

Ditto. *An Act concerning deſerted Plantations. Lib.* WH. *fol.* 125. *Lib.* C *and* WH. *fol.* 132. *and Lib.* WH *and* L. *fol.* 16.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

N. B. By this Law, (1.) His Lordſhip was enabled, for all Manors, Lands, &c. heretofore taken up or ſeated, and for four Years laſt paſt or longer deſerted or left uninhabited, and his Lordſhip's Rents not paid (unleſs the Perſons claiming Right to ſuch Lands (Orphans under 16 excepted) ſhould before the 25th of next *March* make out their Claims, take Grants thereof under the Great Seal, where ſuch Grants had not heretofore been legally paſſed, and ſatisfy his Lordſhip's Arrears of Rent,) to grant the ſame, or any Part thereof, to any other Perſons deſiring the ſame, &c. (2.) And that for all other Manors, Lands and Plantations already taken up or ſeated within this Province (not belonging to any Orphans under 16 Years of Age) which ſhall happen to be deſerted or left uninhabited, by ſuch as ſhall then have or may claim to have any Right or Title thereto, and his Lordſhip, or his Heirs Lords and Proprietaries of this Province, his or their Rents due for the ſame not paid for three Years together, it ſhall in like manner, at any Time after the expiration of the ſaid three Years, be lawful for his Lordſhip, &c. to grant the ſame, or any Part thereof, to any other Perſon or Perſons, who ſhall deſire Grants thereof according to the Conditions of Plantations then in Force, &c.

CHAP. VI.

Ditto. *An Act concerning the Secretary's and Sheriff's Fees. REP.* 1676, *ch.* 2.

An explanatory Act 1661, *ch.* 9.

CHAP. VII.

Ditto. *An Act prohibiting any* Indians *to come into* Kent *or* Ann-Arundel *Counties, without Notice thereof given. REP.* 1676, *ch.* 2.

CHAP.

CHAP. VIII.

An Act for the Erecting of Providence *into a County, by the Name of* Ann-Arundel *County. Lib.* C *and* WH. *fol.* 134. *and Lib.* WH *and* L. *fol.* 17. Passed 29th *April* 1650.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

By this Act, that Part of the Province of *Maryland*, on the West-Side of the Bay of *Chesapeake*, over against the *Isle of Kent*, formerly called by the Name of *Providence*, by the Inhabitants there residing, *&c.* shall from henceforth be erected into a Shire or County, by the Name of *Ann-Arundel* County, and by that Name to be ever hereafter called.

CHAP. IX.

An Act for the Muster-Master-General's Fees. REP. 1676, *ch.* 2. Ditto.

Explanatory Act 1666, *ch.* 14.

CHAP. X.

An Order providing for the Re-edifying of the Fort of St. Inegoe's. *OBS.* Ditto.

CHAP. XI.

An Order providing for a March upon the Indians. *OBS.* Ditto.

CHAP. XII.

An Order against Ingrossers, &c. OBS. Ditto.

CHAP. XIII.

An Order for recording the Mark of Cattle and Hogs, OBS. Ditto.

CHAP. XIV.

An Order upon the 9th Act, and 10th, 11th and 12th Orders of the last Assembly. OBS. Ditto.

CHAP. XV.

An Order prohibiting Foreigners to hunt within this Province. OBS. Ditto.

CHAP. XVI.

An Order for Half a Bushel of Corn per Poll, to be allowed the Governor. OBS. Ditto.

CHAP. XVII.

An Order for the Relief of the Poor. OBS. Ditto.

CHAP. XVIII.

An Order concerning the Charge of redeeming the two Children of Thomas Allen, *deceased. PR.* Ditto.

Viz. From the *Indians* who had taken them Captives.

CHAP. XIX.

An Order made upon Mr. Thomas Thornborough's *Petition. PR.* Ditto.

CHAP. XX.

An Order concerning the Assessment of this Year's Levy. OBS. Ditto.

CHAP. XXI.

Explanation of a Clause in the Act of 1647, *ch.* 4. *OBS.* Ditto.

CHAP. XXII.

Explanation of a Clause in the Act of 1649, *ch.* 9. *OBS.* Ditto.

CHAP. XXIII. [**]

An ACT of Recognition of the lawful and undoubted Right and Title of the Right Honourable CÆCILIUS Lord Baron of *Baltimore*, absolute Lord and Proprietary of the Province of *Maryland*, unto the said Province, and unto all Islands, Ports, and Creeks, to the same belonging. *Lib.* C *and* WH. *fol.* 112. *Lib.* WH. *fol.* 115. *and Lib.* WH *and* L. *fol.* 4.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

GREAT and manifold are the Benefits wherewith Almighty GOD hath blessed the Colony, first brought and planted within this Province of *Maryland*, at your Lordship's Charge, and continued by your Care and Industry in the happy Restitution of a blessed Peace unto us, being lately wasted with a miserable Dissention, and unhappy War. But more inestimable are the Blessings thereby poured on this Province, in planting *Christianity*, among a People that knew not GOD, nor had heard of CHRIST. All which, as we recognize and acknowledge to be done and performed, next under GOD, by your Lordship's Industry, and pious Intentions towards Preamble.

CHAP. XXIII.

towards the Advancement and Propagation of Chriſtian Religion, and the Peace and Happineſs of this Colony and Province: So we doubt not, but our Poſterity will remember the ſame, with all Fidelity, to the Honour of your Lordſhip and your Heirs for ever.

Recognition of his Lordſhip's Right and Title by the Charter.

II. In Contemplation whereof, we humbly beſeech your Lordſhip, that, as a Memorial to all Poſterities, among the Records of your Court of your Great Aſſembly within this Province, for ever to endure, of our Thankfulneſs, Fidelity and Obedience, it may be **publiſhed and declared**, by your Lordſhip and the preſent Aſſembly, and **Enacted** *by Authority of the ſame*, That we being bound thereunto, by the Laws both of GOD and Man, do recognize and acknowledge your Lordſhip's juſt Title and Right unto this Province, by the Grant and Donation of the late King CHARLES of *England*, under the Great Seal of *England*, bearing Date at *Weſtminſter* the Twentieth of *June* in the Eighth Year of his Reign, *Anno Domini* One Thouſand Six Hundred Thirty-two. And do alſo recognize and acknowledge your Lordſhip to be true and abſolute Lord and Proprietary of this Province. And do humbly ſubmit unto all Power, Juriſdiction and Authority, given, granted, and confirmed unto your Lordſhip, and your Heirs, in and by the ſaid Grant and Donation: And do hereby ſubmit and oblige us, our Heirs and Poſterities for ever, until the laſt Drop of our Blood be ſpent, to maintain, uphold and defend your Lordſhip, and your Heirs, Lords and Proprietaries of this Province, in all the Royal Rights, Juriſdictions, Authorities and Preheminences, given, granted and confirmed unto your Lordſhip, by the ſaid Grant and Donation, ſo far as they do not in any ſort infringe or prejudice the juſt and lawful Liberties or Privileges of the free-born Subjects of the Kingdom of *England*. And we humbly beſeech your Lordſhip to accept the ſame, as the firſt Fruits, in this Aſſembly, of our Fidelity and Thankfulneſs to your Lordſhip, and your Heirs and Poſterity for ever. Which if your Lordſhip ſhall be pleaſed to accept and ratify by your Aſſent, without which it can neither be compleat and perfect, nor remain to Poſterity, according to our humble Deſire, as a Memorial of your Lordſhip's Affections towards us; we ſhall add this alſo to the reſt of the unſpeakable Benefits we have received by your Lordſhip's Vigilancy over this Colony.

Saving the Liberties and Privileges of free-born Subjects of *England*.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV. [**]

An Act of Oblivion. Lib. C *and* WH. *fol.* 115. *Lib.* WH. *fol.* 135. *and Lib.* WH *and* L. *fol.* 6.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

N. B. By this Act was granted a free Pardon of all Offences, capital or other; and an Abolition of all Actions tending to recover Damages for any Fault committed againſt his Lordſhip's Peace, *&c.* by any of the Party who were in Rebellion againſt his Lordſhip's Government here, at any Time between the 15th *February* 1644, and the 5th *Auguſt* 1646. Excepting *Richard Ingle* and *John Durford*, Mariners, and ſuch others of the *Iſle of Kent*, as were not pardoned by his Lordſhip's Brother, *Leonard Calvert*, Eſq; deceaſed, *&c.*

Rebellion from 15 Feb: 1644-5. to 5 Aug. 1646.

CHAP. XXV. [**]

An ACT againſt raiſing of Money within this Province, without Conſent of the Aſſembly. *Lib.* C *and* WH. *fol.* 118. *and Lib.* WH. *and* L. *fol.* 8.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

Preamble.

FORASMUCH as the Strength of the Lord Proprietary of this Province, doth conſiſt in the Love and Affection of his People, on which he doth reſolve to rely upon all Occaſions, for his Supplies both by Sea and Land, not doubting of their Duty and Aſſiſtance upon all juſt and honourable Occaſions; **Be it therefore Enacted** *by the Lord Proprietary, with the Advice and Aſſent of the Upper and Lower Houſe of this preſent Aſſembly*, That no Subſidies, Aids, Cuſtoms, Taxes or Impoſitions, ſhall hereafter be laid,

No Money to be raiſed without Conſent of the Aſſembly.

laid, assessed, levied or imposed, upon the Freemen of this Province, or on their Merchandize, Goods or Chattels, without the Consent and Approbation of the Freemen of this Province, their Deputies, or the major Part of them, first had and declared in a General Assembly of this Province. CHAP. XXV.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVI. [**]

An ACT concerning the Levying of War, within this Province. *Lib.* G *and* WH. *fol.* 119. *Lib.* WH. *fol.* 117. *and Lib.* WH *and* L. *fol.* 9.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

THIS Assembly humbly prays that it may be Enacted, **And be it Enacted** *by the Lord Proprietary, with the Advice and Assent of the Upper and Lower House of this present Assembly*, That if the Lord Proprietary, or his Heirs, or any Deputy or Deputies, Lieutenant, or other Chief Governor or Governors of this Province, shall, at any Time hereafter, make any War out of the Limits or Precincts of this Province, without the Consent and Approbation of the General Assembly of this Province first had and declared, the Freemen of this Province shall be no Way obliged or compelled, against their Consents, to aid or assist with their Persons or Estate in the Prosecution or Maintainance of such War; but are and shall be discharged of all Attendance or Supply concerning or in relation to such War; any Law, Usage or Custom, to the contrary hereof in any wise notwithstanding. If his Lordship make War without the Province, the Freemen shall not be obliged to assist.

II. **And** do further humbly pray that it may be Enacted; **and be it Enacted** *by the Authority aforesaid*, That no Martial Law shall, at any Time hereafter, be exercised within this Province, but only in Time of Camp, or Garrison, and that within such Camp, or Garrison. Mattial Law not to be exercised but in Camp.

III. **And be it further Enacted** *by the Authority aforesaid*, That all Charges arising from Time to Time, by Defence of the Province against any Invasion of any Enemy or Enemies, or against any domestic Insurrections, or Rebellions against the public Peace of this Province, or the Government established herein, and under the Lord Proprietary, and his Heirs, Lords and Proprietaries of this Province, shall be defrayed by this Province, by an equal Assessment upon the Persons and Estates of the Inhabitants thereof; any Thing in this Act, or in any other Act, to the contrary in any wise notwithstanding. In case of Invasion, Insurrection, *&c.* within the Province, the Public shall defray the Expence.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVII. [**]

An Act prohibiting the Transportation, or Sale of his Lordship's Ordnance, Ammunition, Goods, Cattle, &c. REP. 1678, *ch.* 16.

Confirmed among the perpetual Laws, by 1676, *ch.* 2. and Repealed as above.

CHAP. XXVIII. [**]

An ACT for the speedy Payment of Debts due to the Lord Proprietary. *Lib.* C *and* WH. *fol.* 120. *Lib.* WH. *fol.* 67. *and Lib.* WH *and* L. *fol.* 9.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

BE it Enacted *by the Lord Proprietary of this Province, with the Consent and Approbation of the Upper and Lower House of this Assembly*, That all Debts, which either are or shall be, from Time to Time, really and truly due to his Lordship, or his Heirs, Lords and Proprietaries of this Province, shall be first paid and satisfied, within the said Province, before any other Debts whatsoever. Debts due to his Lordship, shall be first paid.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIX. [**]

An Act for taking an Oath of Fidelity to the Lord Proprietary. *Lib.* C *and* WH. *fol.* 122. *Lib.* WH. *fol.* 67. *and Lib.* WH *and* L. *fol.* 10.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

CHAP. XXX. [**]

An Act concerning Accountants to the Lord Proprietary. *Lib.* C *and* WH. *fol.* 125. *Lib.* WH. *fol.* 149. *and Lib.* WH *and* L. *fol.* 12.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

CHAP. XXXI. [**]

An Act concerning Trade with the Indians. *Lib.* C *and* WH. *fol.* 126. *Lib.* WH. *fol.* 150. *and Lib.* WH *and* L. *fol.* 12.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

N. B. By this Act (1.) All Inhabitants of the Province had free Liberty to trade with any *Indians*, for any Beaver, or other Commodities, and the ſame to export (Corn excepted, which could not be exported without ſpecial Leave from the Governor) paying a Tenth in Weight or Valûe, for all Beaver ſo traded for, for a Cuſtom to his Lordſhip, *&c.* (2.) No ſuch Traders to ſell any Arms or Ammunition to any *Indians*, or Quarrel with, or give juſt Occaſion of Offence to the *Indians*, whereby the public Peace, *&c.* might be endangered; nor to enhance the Price of Corn, to the Prejudice of the People; nor to go out upon ſuch Trade, too weak in Strength, or Arms, whereby the *Indians* might be emboldened to do them Miſchief. (3.) Inhabitants of this Province, deſirous ſo to trade, were to take out Licence from the Governor (which was never to be denied upon Application) and give Security for obſerving the Proviſoes above mentioned. (4.) No Perſons, not being Inhabitants, were permitted to trade with the *Indians*, without ſpecial Licence, under the Great Seal, on Pain of Confiſcation of all Goods and Commodities ſo traded with, or for, *&c.*

CHAP. XXXII.

An Act for Fees to the Sheriff. *REP.* 1676, *ch.* 2.

CHAP. XXXIII.

An Act concerning the Regiſtering of Births, Marriages and Burials. *REP.* 1678, *ch.* 16.

N. B. All the Acts of this Seſſion, from *chap.* 2, to 22, incluſive, are recorded in the Land-Office, *Lib.* N° 3. from *fol.* 29, to *fol.* 44; and in the Council-Book, from *fol.* 375, to *fol.* 397.

All the LAWS marked thus [**] *viz.* from *chap.* 23, to *ch.* 31, incluſive, were Part of the 18 Laws made *Annis* 1649 and 1750, which were confirmed by an Inſtrument under his Lordſhip's Hand and Seal, dated the 6th *Auguſt* 1650.

Acts and Orders of ASSEMBLY, made at a General Seſſion of Aſſembly, held at *St. Mary*'s, for the Province of *Maryland*, on the 11th Day of *March*, *Anno Domini* 1650, as follows. 1650-1.

WILLIAM STONE, Eſq; Governor.

CHAP. XXXIV.

An Act concerning the Secretary's and Clerk's Fees. *REP.* 1676, *ch.* 2.

CHAP. XXXV.

An Act for the Surveyor-General's Fees. *REP.* 1676, *ch.* 2.

CHAP. XXXVI.

An Order for the raiſing of the Levies. *OBS.*

Here followeth a Liſt of ACTS, &c. paſſed in this Province during the Time of OLIVER CROMWELL's *Uſurpation, while the Government remained in the Hands of the Parliament's Commiſſioners,* viz.

Acts

Acts and Orders of a GENERAL ASSEMBLY, &c. holden at *Patuxent*, the 20th *October* 1654, by Commiſſion from his Highneſs the Lord Protector, &c.

1. The Act of Recognition.
2. *Arthur Turner* and *John Wade*, declared Burgeſſes for *St. Mary*'s County, being returned in the Room of *Thomas Hatton* and *Job Chandler*, who were at firſt returned, but refuſed to ſerve in this Aſſembly, as being inconſiſtent with the Oath they had taken to Lord *Baltimore*.
3. Declaration, that every free Subject of the Common-Wealth, ſhall have Liberty to petition againſt Grievances, &c.
4. An Act concerning Religion.

N. B. Hereby it was Enacted and Declared, That none who profeſſed and exerciſed the *Popiſh* (commonly called the *Roman* Catholic) Religion, could be protected in this Province, by the Laws of *England*, formerly eſtabliſhed, and yet unrepealed: Nor by the Government of the Common-Wealth of *England*, &c. but to be reſtrained from the Exerciſe thereof, &c. That ſuch as profeſs Faith in GOD by JESUS CHRIST, though differing in Judgment from the Doctrine, Worſhip or Diſcipline, publicly held forth, ſhould not be reſtrained from, but protected in, the Profeſſion of the Faith, and Exerciſe of their Religion; ſo as they abuſed not this Liberty, to the Injury of others, Diſturbance of the Peace, &c. *Provided* ſuch Liberty was not extended to *Papery* or *Prelacy*, nor to ſuch, as under the Profeſſion of CHRIST, held forth and practiced Licentiouſneſs.

5. Order, for the Inhabitants of *Herring-Creek* and the *Cliffs*, to pay Levy in *Ann-Arundel* County, now again called *Providence*.
6. *Patuxent* erected into a County.
7. Aſſemblies every three Years.
8. Public Levies.
9. An Act concerning Drunkenneſs.
10. Concerning Swearing.
11. Concerning falſe Reports, Slandering and Tale-bearing.
12. Concerning the Sabbath-Day.
13. Concerning Theft.
14. Concerning Fencing of Ground.
15. Concerning Adultery and Fornication.
16. An Act concerning a Regiſter of Births, Marriages and Burials.
17. *Providence* County.
18. Concerning Ships or Veſſels.
19. War with *Indians*.
20. Killing of Wolves.
21. Stealing of *Indians*.
22. Selling of Guns, Powder or Shot, to the *Indians*.
23. An Act for Diſcounting.
24. Weights and Meaſures.
25. County of *St. Mary*'s, in *Potowmack*.
26. Concerning the Records.
27. Concerning the Militia.
28. Concerning Rights of Lands.
29. Concerning *Indians* Treſpaſs.
30. An Act againſt Fugitives.
31. Delivering of Guns to *Indians*.
32. Concerning Planting Corn.
33. An Act concerning ſtriking Officers, and other Offences.
34. Concerning the Secretary's and Sheriff's Fees.
35. An Act againſt Ingroſſers.
36. An Act prohibiting Foreigners to hunt within this Province.
37. Acts repealed.
38. Accounts without Specialty.
39. An Act for all Servants coming into the Province without Indentures.

40. Concerning treating with the *Indians*.
41. Concerning Adminiſtrations.
42. Order for paying Mr. *Brooke*'s Expences in the Commiſſion.
43. Order concerning the Charge occaſioned by the Default of Mr. *Hatton* and Mr. *Chandler*, who had refuſed to ſerve in Aſſembly.
44. Concerning Orphans Eſtates.
45. Declaration againſt Lord *Baltimore*'s Proclamation, for taking the Oath of Fidelity.
46. Order, that no Suits commenced before the Reduction of this Province to the Obedience of the Common-Wealth, ſhall receive Damage by ſuch Alteration.

1657. Acts and Orders of a GENERAL ASSEMBLY for the Province of *Maryland*, at *Patuxent*, the 24th *September* 1657, by Commiſſion from his Highneſs, &c.

1. The Act of Recognition, owned and aſſented to.
2. Acts repealed, *viz.* the 8th, 13th, 16th, and 34th of the preceding Aſſembly.
3. Concerning the public Charges.
4. Concerning Ground-Leaves.
5. An Act concerning Sheriff's and Clerk's Fees.
6. An Act concerning regulating of Attachments and Executions.
7. An Act concerning *Poplars Iſland*.
8. Order for paying all Charges, occaſioned by the Diſturbance of Capt. *Joſias Fendall*, by a public Levy.
9. Order appointing a Committee, to call all Perſons to Account, who have received Fines amerced on the late Diſturbers of the public Peace.
10. Leave to the Inhabitants to employ *Indians*, for the deſtroying of Wolves.
11. The two Serjeants to be Levy-free.
12. Order for Payment of all juſt Demands for killing Wolves in *St. Mary*'s County.
13. Order for aſſeſſing 32 lb Tobacco per Poll, for Payment of public Charges.

N. B. All the ACTS of theſe two Seſſions under O. CROMWELL, are recorded in the Land-Office, *Lib.* N° 3. from *fol.* 420, to *fol.* 446; and in the Council-Book, from *fol.* 439, to *fol.* 474.

At

At a GENERAL ASSEMBLY, begun and held at *St. Leonard's*, on the 27th *April* 1658.

JOSIAS FENDALL, Esq; Governor.

CHAP. I.

Acts made and enacted by JOSIAS FENDALL, *Esq; Governor, with the Advice and Consent of the Upper and Lower Houses, at a General Session of Assembly, held at* St. Leonard's, *beginning the 27th* April, Anno Domini 1658. *Lib.* C *and* WH. *fol.* 134. *Lib.* WH. *fol.* 154. *and Lib.* WH *and* L. *fol.* 17.

Confirmed among the perpetual Laws, by 1676, *ch.* 2.

N. B. This Act recites in the Preamble, his Lordship's Commission, and Instructions to his Lieutenant and Secretary, dated 18th *November* 1657, impowering them to treat with the Commissioners, in whose Hands the Government then was; who, upon Articles agreed on, dated 24th *March* 1657, delivered up the Government into the Hands of the said Lieutenant and Secretary. The above mentioned Articles are inserted at large, in the Body of the Act, and confirmed thereby.

By the 6th of these Articles, the Oath of Fidelity prescribed in the Act of 1650, *ch.* 29, was not to be pressed upon the Residents within the Province; but instead thereof an Engagement to be taken and subscribed, in the Manner and Form directed in this Article.

CHAP. II.

An Act concerning the Gauge of Tobacco Hogsheads. Lib. C *and* WH. *fol.* 137. *and Lib.* WH *and* L. *fol.* 19. *REP.* 1676, *ch.* 2.

For 3 Years, *&c.* Continued by several reviving Acts, till its Repeal in 1676.

CHAP. III.

An Act for the Killing of Wolves. Lib. C *and* WH. *fol.* 137. *and Lib.* WH *and* L. *fol.* 19. *REP.* 1676, *ch.* 2.

For 3 Years, *&c.* Continued by several reviving Acts till repealed as above.

CHAP. IV.

An Act prohibiting Ground-Leaves and Seconds. Lib. C *and* WH. *fol.* 138. *and Lib.* WH *and* L. *fol.* 19. *REP.* 1676, *ch.* 2.

For 3 Years, *&c.* Continued by various reviving Acts, till repealed.

CHAP. V.

An Act concerning a Register of Births, Marriages and Burials. Lib. WH. *fol.* 14. *REP.* 1678, *ch.* 10.

For 3 Years, *&c.* Continued by several reviving Acts till its Repeal.

CHAP. VI.

An Act concerning Servants that have Bastards. EXP.

For 3 Years, *&c.* A new Law made 1662, *ch.* 4.

CHAP. VII.

An Act for the Publication of Marriages. EXP.

For 3 Years, *&c.* A new Act, 1662, *ch.* 5.

CHAP. VIII.

An Act for the Advancement of Childrens Estates. Lib. C *and* WH. *fol.* 138. *and Lib.* WH *and* L. *fol.* 19. *REP.* 1678, *ch.* 10.

For 3 Years, *&c.* and continued by several reviving Acts, till its Repeal.

CHAP. IX.

An Act concerning Drunkenness. EXP.

For 3 Years, *&c.*

CHAP. X.

An Act concerning Ferries. EXP.

For 3 Years, *&c.*

CHAP. XI.

An Act for the Burgesses Charges. OBS.

N. B. An Assembly met on the 28th *February* 1659, at the House of Mr. *Thomas Gerrard*, pursuant to Writs issued for that Purpose, bearing Date the 12th *January* preceding; and adjourned on the 1st of *March*, to the House of Mr. *Robert Slye*, where they continued to sit till the 12th Instant, when the Burgesses sent up the following Paper: 1659.

"TO THE HONOURABLE THE GOVERNOR AND COUNCIL.

"*That this Assembly of Burgesses, judging themselves to be a lawful Assembly, without Dependance on "any other Power in the Province, now in Being, is the Highest Court of Judicature. And if any Ob- "jection can be made to the contrary, we desire to hear it.* ROGER ISHAM, *Clerk of the Assembly.*"

This Paper was answered by certain Queries sent down to the Lower House, who thereupon demanded a Conference, which was granted, and held that Day. On the 13th, Governor *Fendall* (in pursuance of his before projected Scheme) declared his Judgment to be, that "the "Lord

" Lord Proprietary, by himſelf, or his Deputy, ought to be preſent, and have a caſting Voice: " And that, as Governor, he had not any Power to confirm Laws, made by the Burgeſſes, for " any longer Time, than until his Lordſhip, or his Heirs, ſhould declare their Diſſaſſent. But " he did believe, the Intent of the King in his Lordſhip's Patent, was, that the Freemen by " Writ aſſembled, either by themſelves, or their Deputies, ſhould make and enact Laws, and " thoſe Laws, ſo made, were to be publiſhed in his Lordſhip's Name, and then to be in full " Force. Provided they be agreeable to Reaſon, and in no caſe repugnant to the Laws of *Eng-* " *land.*" In which he was joined by Mr. *Gerrard* and Col. *Utye*, his Confederates in the Council. In the Afternoon of the ſame Day, came the Speaker and Lower Houſe, and intimated, that they could not allow this Houſe to be an Upper Houſe; but that if the Governor and Council pleaſed, they might come and take Place, in Behalf of his Lordſhip and themſelves, as a Part of this Aſſembly, ſitting by themſelves. But being informed, that in ſuch Caſe, the Speaker muſt leave his Place to the Governor, who then would be Preſident of the Aſſembly, the Speaker, with the Houſe, took Time to conſider.

On the 14th, the Lower Houſe demanded a further Conference, and being met, the Speaker declared, that they were content the Governor ſhould ſit as Preſident, but they would continue their Speaker ſtill in the Houſe alſo, and reſerve to themſelves the Power of Adjourning and Diſſolving the Aſſembly. And upon Debate, the Governor being willing to ſit with them upon theſe Terms, *viz.* to leave the Power of Diſſolving the Houſe to the Speaker of the Lower Houſe, and to reſerve to himſelf, as repreſenting his Lordſhip, a double or caſting Voice, as he expreſſed it. And accordingly (the Reſt of the Upper Houſe refuſing) Mr. *Fendall*, with his two Aſſociates, *Gerrard* and *Utye*, took their Places in the Lower Houſe.

The Upper Houſe being thus diſſolved, Mr. *Fendall* ſurrendered the remaining Powers of Government, intruſted to him by his Lordſhip's Commiſſion, into the Hands of the Delegates, and in order to aboliſh his Lordſhip's Dominion over the Province, accepting and acting as Governor under a Commiſſion from them (Meſſrs. *Gerrard* and *Utye*, together with the Speaker, Mr. *Slye*, being appointed his Council) he gave his Aſſent to ſeveral Laws, particularly one entitled, *An Act for repealing all former Acts*; and another entitled, *An Act providing againſt any Diſturbance in the preſent Government*; whereby they made it Felony, for any Perſon to diſturb the Government, ſo as they had thought fit to eſtabliſh it; And among other Acts of ſupreme Power, ſuch as Granting Commiſſions Civil and Military, Muſtering and Training of Forces, *&c.* did, with the Concurrence of his before mentioned Councillors, on the 15th *September* following, publiſh a Declaration, " Commanding all Perſons, to own no Authority, but what came immediately " from his Majeſty, or the Grand Aſſembly of this Province," *Thereby colourably ſheltering* (as the Grand Jury expreſſed it) *their Rebellion, under a Pretence of his Sacred Majeſty's Name, to the great Derogation from the juſt Power of his Lordſhip, and the Subverſion of the Government of this Province, and contrary to the Peace of his ſaid Lordſhip, his Rule and Dominion.*

1660

The Honourable *Philip Calvert*, Eſq; being appointed Governor, by his Lordſhip's Commiſſion, bearing Date the 24th *June* 1660, and ſworn in at the Provincial Court, held at *Patuxent*, the 11th *December* 1660, Capt. *Fendall*, and Mr. *Gerrard*, ſurrendered themſelves, and being indicted by the Grand Jury, at the Provincial Court, on the 22d *February*, were tried, and found Guilty, receiving Sentence of Baniſhment, and Confiſcation of their Eſtates, real and perſonal. But upon their humble Petition to the Governor and Council, the ſaid Sentence was mitigated, and they received his Lordſhip's Pardon, on paying each a moderate Fine, and being made incapable of bearing any Office within this Province, or having Voice in electing, or of being elected Burgeſs, in any future Aſſembly, and giving ſufficient Security for their good Behaviour towards his Lordſhip, and his Government. Their reſpective Pardons, under the Great Seal, are dated the 28th *February* 1660. The Reſt of their Accomplices, moſt of which had been, with much Art, drawn into a Participation of their Guilt, upon their timely Submiſſion and Application to his Lordſhip's Governor and Council, received a full and free Pardon, without Trial or Proſecution.

Restoration, 1660

Together with his Lordſhip's Commiſſion for the Government, was ſent in his Majeſty's Letter, bearing Date the 3d *July*, in the 12th Year of his Reign, *Commanding all Magiſtrates and Officers, and all other his Subjects, in theſe Parts, to be aiding and aſſiſting to the Re-eſtabliſhment of his Lordſhip's juſt Rights and Juriſdictions, within this Province*, &c.

1661. Acts made at a GENERAL ASSEMBLY, held at *St. John*'s, in *St. Mary*'s County, beginning the 17th Day of *April*, and ended the 1ſt *May*, *Anno Domini* 1661.

PHILIP CALVERT, Eſq; Governor.

CHAP. I.

Paſſed 1ſt of *May* 1661. *An Act for Encouragement of ſuch Soldiers as ſhall adventure in the Defence of the Country. Lib.* C *and* WH. *fol.* 139. *Lib.* WH. *fol.* 152. *and Lib.* WH *and* L. *fol.* 20. *REP.*

Confirmed among the perpetual Laws, 1676, *ch.* 2. By this Law, Perſons maimed, or hurt in War, in the Defence of the Country, were, according to their Place and Quality, to receive Maintainance from the Country, according to their Diſability to maintain themſelves.

CHAP.

CHAP. II.

An Act for the Appointment of certain Officers. *Lib.* C *and* WH. *fol.* 140. *Lib.* WH. *fol.* 14. *and Lib.* WH *and* L. *fol.* 20. *EXP.* Passed 1st of *May* 1661.

Viz. Constables to be appointed by the County Courts; with a Reservation of the Privilege to Lords of Manors, of appointing Constables within their respective Manors. This Act was to endure for 3 Years, &c. and was continued by the several reviving Acts, till a new One was made 1692, *ch.* 57.

CHAP. III.

An Act concerning the Height of Fences. *Lib* C *and* WH. *fol.* 143. *Lib* WH. *fol.* 68. *and Lib.* WH *and* L. *fol.* 22. *EXP.* Ditto.

For 3 Years, &c. Continued by the several reviving Laws, till it was succeeded by a new Act 1692, *ch.* 29.

CHAP. IV.

An Act concerning the Setting up of a Mint within the Province of Maryland. *Lib.* C *and* WH. *fol.* 144. *Lib.* WH. *fol.* 152. *and Lib.* WH *and* L. *fol.* 23. *OBS.* Ditto.

The Freemen (1.) set forth in the Preamble, that the Want of Money is a great Hindrance to the Advancement of this Colony, in Trade, &c. humbly praying his Lordship to take Order for the Setting up of a Mint, for the Coining of Money, within this Province. (2.) It was enacted, That the Money coined therein, should be of as good Silver as *English* Sterling Money. (3.) Every Shilling so coined, to weigh above Nine Pence, in such Silver, and other Pieces in Proportion. (4.) Every Offence of Clipping, Scaling, Counterfeiting, Washing, or any Way Diminishing such Coin, to be punishable with Death, and Forfeiture of Lands, Goods, &c. to the Lord Proprietary. (5.) His Lordship to take and accept the said Coin in Payment for his Rents, Arrears of Rent, and all other Engagements, due to his Lordship, &c. according to this Act. See the Act of 1662, *ch.* 8. whereby this Money was to be put in Circulation. This Act is confirmed among the perpetual Laws, by 1676, *ch.* 2.

CHAP. V.

An Act for Conveyance of Letters concerning the State and public Affairs. *Lib.* C *and* WH. *fol.* 145. *Lib.* WH. *fol.* 69. *and Lib.* WH *and* L. *fol.* 23. *EXP.* Ditto.

For 3 Years, &c. Continued by the several reviving Acts, till its Expiration in 1692.

CHAP. VI.

*An Act for the Repeal of the * Act for Customs.* *Lib.* C *and* WH. *fol.* 145. *Lib.* WH. *fol.* 153. *and Lib.* WH *and* L. *fol.* 24. Ditto.

Confirmed among the perpetual Laws, 1676, *ch.* 2. * 1646, *ch.* 1.

N. B. The Preamble of this Law sets forth, that this Assembly considering the Clashing between the Law made at the Assembly held the 2d Day of *January* 1646, at *St. Inegoe's* Fort, wherein, in consideration of the Custom, in that Act granted to his Lordship the Lord Proprietary, he doth undertake *the whole Charge of the Government, both in War and Peace*; and that other Act confirmed by his Lordship's Declaration, bearing Date the 6th Day of *August* 1650, entitled * *An Act concerning the Levying of War, within this Province*, in the last Clause of which Act, *the whole Charge of the War, arising within this Province, is to be levyed upon the Province, by an equal Assessment upon the Persons and Estates of the Inhabitants thereof, any Thing in that Act, or any other Act, to the contrary, notwithstanding.* And further taking into serious Consideration, the Burthen of that Act, and the vast Charge that hath been drawn upon the Province, by the late treacherous Revolt of *Josias Fendall*, and his Complices; and the great Expence they must be at, to defend the Province against the Incursions of the *Sanedoa Indians*, that of late have murdered some of the Inhabitants thereof, the which Charge, by † Act of this present Assembly, they have undertaken; do pray that the said Act of 1646, entitled, *An Act for Customs*, may be repealed, &c.

* 1650, *ch.* 26.

† *ch.* 12.

CHAP. VII.

An Act for Port Duties, and Masters of Ships. *Lib.* C *and* WH. *fol.* 147. *Lib.* WH. *fol.* 153, *and Lib.* WH *and* L. *fol.* 24. Passed 1st of *May* 1661.

Confirmed among the perpetual Acts, 1676, *ch.* 2. An Explanatory Act, 1684, *ch.* 2. 1682

Be it Enacted *by the Lord Proprietary, with the Assent of the Upper and Lower House of this present Assembly*, That all Vessels whatsoever, not properly belonging to this Province, having a Deck flush Fore and Aft, coming in, and trading within this Province, shall pay, for Port Duties, or Anchorage, Half a Pound of Powder, and three Pounds of Shot, or so much in Value, for every Ton of Burden, to the Lord Proprietary, and his Heirs. Port Duties to be paid to his Lordship. See the Note on 1692, *ch.* 20.

II. **And be it further Enacted**, That all Masters or Commanders of Ships, and other Vessels, as aforesaid, coming into this Province to trade, shall give Bond of Three Thousand Pounds of Tobacco, within ten Days after their Arrival Security to be given by Masters of Ships, to comply with the Laws.

CHAP. VII. Arrival in the Province, to the Governor, or other Officer appointed by him, or to ſome Juſtice of the Peace, of complying and obſerving all Acts and Orders of the Province, during their ſtay and being in the Province.

Maſters of Ships abuſing the Inhabitants on board.

III. **And be it further Enacted** *by the Authority aforeſaid*, That all Maſters or chief Commanders of Ships, or other leſſer Veſſels, trading or being in this Province, that ſhall preſume, or attempt, to puniſh any Inhabitant of this Province, either by ſtriking, or tying to the Capſtorm, or by any other Way whatſoever, inflicting or attempting to inflict, any Puniſhment, within or upon their ſaid Ships, or Veſſels, on any Inhabitant, as aforeſaid, contrary to the Peace of the Lord Proprietary of this Province, ſhall forfeit and

Penalty. pay Four Thouſand Pounds of Tobacco; the one Half to the Lord Proprietary, and the other Half to the Party grieved.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 1ſt of *May* 1661. *An Act for Military Diſcipline. REP.* 1676, *ch.* 2.
For 3 Years, *&c.* Continued under various reviving Acts, till its Repeal.

CHAP. IX.

Ditto. *An Explanation of that Clauſe of an * Act, made by Capt.* William Stone, *the* 29*th* April 1650, *concerning the Secretary's and Sheriff's Fees. REP.* 1676, *ch.* 2.

* 1650. *ch.* 6.

CHAP. X.

Paſſed 1ſt of *May* 1661. *An Act limiting Servants Times. EXP.*
For 3 Years, *&c.* An Explanatory Act, 1662, *ch.* 6. and a new Act 1662, *ch.* 20.

CHAP. XI.

Ditto. *An Act concerning the Killing wild Cattle. REP.* 1663-4, *ch.* 3. *and* 1678, *ch.* 16.

CHAP. XII.

Ditto. *An Act impowering the Governor and Council, to raiſe Forces, and maintain a War, without the Province, and to aid the* Suſquehannah Indians. *EXP.*
For 2 Years, or to the End of the next General Aſſembly.

CHAP. XIII.

Ditto. *An Act for the reviving of certain Laws, within this Province. EXP.*
Viz. 1658, *ch.* 2, 3, 4, 5, 6, 7, and 8, hereby continued 3 Years, *&c.*

CHAP. XIV.

Ditto. *An Act for Support of Government. EXP.*
Viz. 12 lb of Caſked Tobacco, to his Lordſhip, and his Heirs, for every Taxable, for 3 Years.

CHAP. XV.

Ditto. *An Act for levying Eighteen Pounds of Tobacco per Poll, raiſed the laſt Year. EXP.*

CHAP. XVI.

Ditto. *An Act concerning the Burgeſſes Time and Charges. OBS.*

1662. Acts made at a Seſſion of ASSEMBLY, begun and held at *St. Mary*'s, the 1ſt, and ended the 12th Day of *April* 1662.

The Hon. CHARLES CALVERT, Eſq; Governor.

CHAP. I.

Paſſed 12th of *April* 1662. *An Act concerning* Indians. *Lib.* C *and* WH. *fol.* 148. *Lib.* WH. *fol.* 157. *and Lib.* WH *and* L. *fol.* 25. *EXP.*
For 3 Years, *&c.* Continued by ſeveral reviving Acts, till its Expiration, in 1684.

CHAP. II.

Ditto. *An Act for the purchaſing of a State-Houſe and Priſon. Lib.* C *and* WH. *fol.* 148. *Lib.* WH. *fol.* 154. *and Lib.* WH *and* L. *fol.* 25. *OBS.*
Confirmed by 1676, *ch.* 2.

CHAP.

CHAP. III.

An Act concerning Proceedings at Law. Lib. WH. *fol.* 70. *REP.* 1678, *ch.* 16. Passed 12th *April* 1662.
Viz. In all Cases, where the Law of this Province is silent, Justice to be administered according to the Laws and Statutes of *England*, if pleaded and produced. And all Courts to judge of the right Pleading and Inconsistency of the said Laws, with the Good of this Province, according to the best of their Judgment, Skill and Cunning. A new Law made 1663-4, *ch.* 4.

CHAP. IV.

An Act concerning those Servants that have Bastards. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c. Continued by several reviving Acts, till the making of a new Act, 1674, *ch.* 7.

CHAP. V.

An Act for the Publication of Marriages. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c. Continued by several reviving Acts, till its Repeal. An Additional Act 1666, *ch.* 25. A new Law 1676, *ch.* 6.

CHAP. VI.

An Interpretation or Explanation of an * *Act, limiting Servants Times, made the last Assembly*, 1661. *REP.* 1676, *ch.* 2. Ditto.
* 1661, *ch.* 10.

CHAP. VII.

An Explanation of that Clause in an † *Act, made by Capt.* William Stone, April 21*st*, 1649, *touching Hogs, and marking Cattle. REP.* 1676, *ch.* 2. Ditto.
† 1649, *ch.* 7.

CHAP. VIII.

An Act concerning Payment for Money and Bullion brought into this Province. REP. 1676, *ch.* 2. Ditto.
N. B. This Act was intended to put the Coin (struck under the Act of 1661, *ch.* 4,) in Circulation; and enacted, that every Housholder and Freeman in the Province, should take up Ten Shillings per Poll of the said Money, for every Taxable under their Charge and Custody, and Pay for the same in good Casked Tobacco, at 2 *d.* per Pound, to be paid upon Tender of the said Sums of Money, proportionably for every such respective Family, &c. For 3 Years, &c.

CHAP. IX.

An Act for the Encouragement of sowing English *Grain. REP.* 1676, *ch.* 2. Ditto.
For 3 Years, &c. Continued by several reviving Acts, till its Repeal.

CHAP. X.

An Act concerning the Payment of Fees due from criminal Persons. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c. Continued by several reviving Acts, till a new Law was made, 1674, *ch.* 5. An additional Act, 1663-4, *ch.* 33.

CHAP. XI.

An Act for the reviving of certain Laws within this Province. REP. 1676, *ch.* 2. Ditto.
Viz. 1658, *ch.* 2, 3, 4, 5, and 8; and 1661, *ch.* 2, 3, 5, and 8, hereby continued 3 Years, &c.

CHAP. XII.

An Act for the Encouragement of Ordinary Keepers. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c. Continued by several reviving Acts, till its Repeal.

CHAP. XIII.

An Act declaring what shall be done by the Sheriff ex Officio. *REP.* 1676, *ch.* 2. Ditto.
For 3 Years, &c. A new Act was made 1674, *ch.* 11, by which also it is Repealed.

CHAP. XIV.

An Act concerning Payment of Debts due by Bill. REP. 1676, *ch.* 2. Ditto.
For 7 Years, &c.

CHAP. XV.

An Act concerning taxable Persons. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c.

CHAP. XVI.

An Act imposing a Fee on them who shall be Married. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c.

CHAP. XVII.

An Act appointing Sheriffs. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c.

CHAP. XVIII.

An Act touching Runaways. REP. 1676, *ch.* 2. Ditto.
For 3 Years, &c. A new Law, 1666, *ch.* 22.

CHAP. XIX.

An Act of Gratitude for the Lieutenant-General. REP. 1676, *ch.* 2. Ditto.
Viz. 25 lb Tobacco, for every Taxable residing in the Province, to be paid annually, to the present Lieut. General, for his own proper Use; for 3 Years, &c. A new Law made 1669, *ch.* 11.

C H A P. XX.

Paſſed 12th *April* 1662. *An Act limiting Servants Times. REP.* 1676, *ch.* 2.
For 3 Years, *&c.*

C H A P. XXI.

Ditto. *An Act concerning the Secretary, and an Addition to his Fees. REP.* 1676, *ch.* 2.
For 3 Years, *&c.* The additional Part repealed 1666, *ch.* 19.

C H A P. XXII.

Ditto. *An additional Act againſt Hog-Stealers. REP.* 1676, *ch.* 2.
For 3 Years, *&c.* The original Act is 1649, *ch.* 7.

C H A P. XXIII.

Ditto. *An Act for the Burgeſſes Expences. REP.* 1676, *ch.* 2.

1663-4. Acts made at the GENERAL ASSEMBLY, begun and held at *St. Mary*'s, the 15th *September* 1663, in the 32d Year of the Dominion of the Right Honourable CÆCILIUS, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and there continued till Saturday the 3d *October* following; and thence adjourned till the ſecond Tueſday in *September* 1664, and ended the 21ſt Day of the ſame Month.

The Hon. CHARLES CALVERT, Eſq; Governor.

C H A P. I.

Paſſed 3d of *Octob.* 1663. *An Act prohibiting Arreſts upon the Sabbath-Days, and Days of general Muſter and Training. Lib.* C *and* WH. *fol.* 150. *Lib.* WH. *fol.* 70. *and Lib.* WH *and* L. *fol.* 26. *EXP.*
For 3 Years, *&c.* Continued by various reviving Acts, till 1692. A new Act made 1692, *ch.* 31.

C H A P. II.

Ditto. *An Act for Amerciaments in the Provincial and County Courts. Lib.* C *and* WH. *fol.* 150. *Lib.* WH. *fol.* 71. *and Lib.* WH *and* L. *fol.* 27. *EXP.*
For 3 Years, *&c.* Continued ſucceſſively till 1692. A new Act 1692, *ch.* 55.

C H A P. III.

Ditto. *An Act repealing an Act made* Anno 1661, *entitled* * *An Act concerning killing wild Cattle. Lib.* C *and* WH. *fol.* 151. *and Lib.* WH *and* L. *fol* 27.
* 1661, *ch.* 11. Confirmed 1676, *ch.* 2.

C H A P. IV.

Ditto. *An Act concerning Proceedings at Law. Lib.* C *and* WH. *fol.* 152. *and Lib.* WH *and* L. *fol.* 28. *EXP.*
This Act, which was to the ſame Effect of 1662, *ch.* 3, was revived by 1678, *ch.* 15, excepting one Clauſe at the latter End, *viz. So far as the Court ſhall judge them not inconſiſtent with the Condition of the Province.* Which Clauſe is accordingly left out in the Records above referred to, they being Provincial Bodies of Laws, in the Year 1678, when the aforeſaid Clauſe was no longer in Force. In which State this Law was ſucceſſively continued, till 1684, when it totally expired. His Lordſhip's Diſſent to this Law, was declared in Aſſembly, the 13th *April* 1669; it was alſo repealed by 1676, *ch.* 2, and again revived as above in 1678.

C H A P. V.

Ditto. *An Act impoſing a Penalty on all ſuch who ſhall diſpoſe of Tobacco, ſeized and received by the Sheriff, and others. REP.* 1678, *ch.* 16.
Confirmed 1676, *ch.* 2. A new Act made 1692, *ch.* 26.

C H A P. VI.

Ditto. *An Act for the Explanation of that Clauſe in an* † *Act made by Capt.* William Stone, *the* 21ſt April 1649, *touching Hogs, and marking of Cattle. REP.* 1678, *ch.* 16.
† 1649, *ch.* 7. Confirmed by 1676, *ch.* 2.

CHAP.

CHAP. VII.

An Act for the Quieting Possessions of Lands, and establishing the Manner of Conveyance of Lands for the future. *REP.* 1676, *ch.* 2. Passed 3d of *October* 1663.

His Lordship's Dissent to this Act, was declared in Assembly, *April* 13th 1669.

CHAP. VIII.

An Act concerning English *Servants that run away in Company with Negro, and other Slaves.* *REP.* 1676, *ch.* 2. Ditto.

CHAP. IX.

An Act for a Prison at St. Mary's. *REP.* 1676, *ch.* 2. Ditto.

A new Act 1666, *ch.* 17.

CHAP. X.

An Act for erecting a Pillory, Stocks, and Ducking Stools, in every County in this Province. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XI.

An Act for the Continuance of an Act, entitled, * *An Act of Gratitude for the Lieutenant-General.* *REP.* 1676, *ch.* 2. Ditto.

* 1662, *ch.* 19.

CHAP. XII.

An Act for providing Irons in each County, for burning Malefactors. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XIII.

An Act for Repeal of the 2d Branch of an Act made at St. John's, *the 4th* March 1647, *by* Thomas Greene, *Esq; Governor, entitled,* † *An Act touching Payment of Debts.* *REP.* 1676, *ch.* 2. Ditto.

† 1647, *ch.* 4.

CHAP. XIV.

An Act enjoining Sheriffs to take Bail. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.*

CHAP. XV.

An Act to give Smiths Execution for their Debts. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.*

CHAP. XVI.

An Act for the Preservation of Orphans Estates. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.* His Lordship's Dissent to this Act was declared in Assembly, the 13th *April* 1669. A new Act 1671, *ch.* 16.

CHAP. XVII.

An Act against Exportation of Wool, and old Iron. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.*

CHAP. XVIII.

An Act for the Repeal of a Clause in an Act made 23d October 1640, *by* Leonard Calvert, *Esq; Lieutenant-General of this Province, entitled,* ‖ *an Act for Servants Cloathes.* *REP.* 1676, *ch.* 2. Ditto.

‖ 1640, *ch.* 8.

CHAP. XIX.

An Act for the Administration of Justice. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.*

CHAP. XX.

An Act for levying of the Surveyor-General's Fees. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.*

CHAP. XXI.

An Act for the Rule of Arrests, and summoning for Witnesses by all Sheriffs; and a Rule for entering Actions, and filing Actions and Petitions. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.* His Lordship's Dissent is of the 13th *April* 1669.

CHAP. XXII.

An Act for appointing a Public Notary. *REP.* 1676, *ch.* 2. Ditto.

For 3 Years, *&c.* His Lordship's Dissent is of the 13th *April* 1669.

CHAP. XXIII.

An Act for seating of Lands in Baltimore *County.* *REP.* 1676, *ch.* 2. Ditto.

His Lordship's Dissent was declared in Assembly the 13th *April* 1669.

CHAP. XXIV.

An Act prohibiting Trading and Gaming with Servants. *REP.* 1676, *ch.* 2. Ditto.

For this Year only.

C H A P. XXV.

Passed 3d of *October* 1663. *An Act for Land Five Years in Possession. REP.* 1676, *ch.* 2.

C H A P. XXVI.

Ditto. *An Act providing what shall be good Evidence upon Bills, Bonds and Specialties, coming out of* England, *and other Parts. REP.* 1676, *ch.* 2.
His Lordship's Dissent, declared in Assembly 13th *April* 1669. A new Act 1669, *ch.* 7.

C H A P. XXVII.

Ditto. *An Act concerning Payment of Debts due by Bill. REP.* 1676, *ch.* 2.
For 3 Years, *&c.* His Lordship's Dissent, 13th *April* 1669.

C H A P. XXVIII.

Ditto. *An Act for the Burgesses Expences, and other public Debts. REP.* 1676, *ch.* 2.

C H A P. XXIX.

Passed 21st *Sept.* 1664. *An Act for the Preservation of the several Harbours in this Province. Lib.* C *and* WH. *fol.* 152. *and Lib.* WH *and* L. *fol.* 28. *REP.*
Confirmed 1676, *ch.* 2. A new Act 1692, *ch.* 41.

C H A P. XXX.

Ditto. *An Act concerning* Negroes, *and other Slaves. Lib.* C *and* WH. *fol.* 153. *and Lib.* WH *and* L. *fol.* 28. *REP.* 1681, *ch.* 4.
Confirmed among the perpetual Laws, 1676, *ch.* 2.

C H A P. XXXI.

Ditto. *An Act for Ferries. REP.* 1676, *ch.* 2.
For 3 Years, *&c.*

C H A P. XXXII.

Ditto. *An Act for providing a Magazine. REP.* 1676, *ch.* 2.
For 3 Years, *&c.*

C H A P. XXXIII.

Ditto. *An additional Act to an Act, entitled, * An Act concerning the Payment of Fees due from criminal Persons. REP.* 1676, *ch.* 2.
* 1662, *ch.* 10. For 3 Years, *&c.*.

C H A P. XXXIV.

Ditto. *An Act for the reviving of certain † Laws within this Province. REP.* 1676, *ch.* 2.
† *Viz.* 1658, *ch.* 2, 3, 4, and 6; 1661, *ch.* 2, 3, 5, and 8; 1662, *ch.* 1, 3, 4, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, and 22; hereby continued 3 Years, *&c.* together with the temporary Acts of 1663.

C H A P. XXXV.

Ditto. *An Act of Encouragement of* William Smith *in his undertaking the Country's Work at* St. Mary's. *REP.* 1666, *ch.* 16. *and* 1676, *ch.* 2.

C H A P. XXXVI.

An Act for the Preservation of certain Articles, made with the Susquehannah Indians. *REP.* 1676, *ch.* 2.
For 3 Years, *&c.*

C H A P. XXXVII.

An Act for the Burgesses Expences, and other public Debts. REP. 1676, *ch.* 2.

1666. Acts made at a Session of ASSEMBLY, begun *April* the 10th, and ended the 2d of *May* 1666.

The Hon. CHARLES CALVERT, Esq; Governor.

C H A P. I.

Passed 1st of *May* 1666. *An Act prohibiting Trade with the* Indians, *for any Flesh dead or alive, except Deer or Wild Fowl. Lib.* C *and* WH. *fol.* 154. *Lib.* WH. *fol.* 73. *and Lib.* WH *and* L. *fol.* 29. *EXP.*
For 3 Years, *&c.* Continued by several Reviving Acts. A new Law made 1692. *ch.* 33.

C H A P. II.

Ditto. *An Act for appointing Coroners in each respective County. Lib.* C *and* WH. *fol.* 155. *Lib.* WH. *fol.* 143. *and Lib.* WH *and* L. *fol.* 29. *REP.*
Confirmed 1676, *ch.* 2. A new Act made 1692, *ch.* 56.

CHAP.

C H A P. III.

An Act for Confirmation of the Articles of Peace made with the Indians. *Lib.* C *and* WH. *fol* 155. *Lib.* WH. *fol.* 143. *and Lib.* WH *and* L. *fol.* 30. *OBS.* Passed 1st of *May* 1666.

Confirmed 1676, *ch.* 2.

C H A P. IV.

An Act prohibiting foreign Ingroſſers. Lib. C *and* WH. *fol.* 156. *Lib.* WH. *fol.* 158. *and Lib.* WH *and* L. *fol.* 30. *EXP.* Ditto.

For 3 Years, *&c.* Was repealed by 1676, *ch.* 2, revived again by 1678, *ch.* 15, and thence continued by ſeveral reviving Acts, till 1692, when a new Act was made, *ch.* 77.

C H A P. V.

An Act prohibiting Commiſſioners, Sheriffs and Clerks, to plead as Attorneys in their reſpective County Courts. Lib. C *and* WH. *fol.* 156. *Lib.* WH. *fol.* 157. *and Lib.* WH *and* L. *fol.* 31. *REP.* Ditto.

Confirmed 1676, *ch.* 2. A new Law 1671, *ch.* 13.

C H A P. VI.

An Act prohibiting the Office of Clerks and Sheriffs to be officiated at the ſame Time, by one and the ſame Perſon. Lib. C *and* WH. *fol.* 157. *Lib.* WH. *fol.* 144. *and Lib.* WH *and* L. *fol.* 31. *REP.* Ditto.

Confirmed 1676, *ch.* 2.

C H A P. VII.

Petition of John Jarbo, *of* Dyon, *in the Realm of* France; Auguſtine Harman, *of* Prague, *in the Kingdom of* Bohemia; Ephraim, Georgius *and* Caſparus, *Sons of the ſaid* Auguſtine; Anna, Margaritta, Judith *and* Francina, *his Daughters*; Anna Hack, George *and* Peter, *her Sons. Lib.* C *and* WH. *fol.* 158. *and Lib.* WH *and* L. *fol.* 31. *PR.* Ditto.

Viz. For Naturalization. Confirmed 1676, *ch.* 2.

C H A P. VIII.

The humble Petition of Capt. James Neale. *Lib.* C *and* WH. *fol.* 160. *and Lib.* WH *and* L. *fol.* 33. *PR.* Ditto.

Viz. For Naturalization of his four Children, *Henrietta Maria, James, Dorothy* and *Anthony Neale*, born in *Spain*, of *Anna* his Wife, during his Reſidence there as a Merchant, and alſo employed there by the King, and the Duke of *York*, in ſeveral emergent Affairs, as by Commiſſions herewith produced, might appear, *&c.* Confirmed 1676, *ch.* 2.

C H A P. IX.

An Act for the Publication of all Laws, within this Province, for the future. Lib. C *and* WH. *fol.* 161. *Lib.* WH. *fol.* 144. *and Lib.* WH *and* L. *fol.* 33. *REP.* Ditto.

Confirmed among the perpetual Laws, by 1676, *ch.* 2. A new Law 1692, *ch.* 24.

C H A P. X.

An Act impowering the Governor and Council, to make War or Peace, with any Indian *Enemy, beyond the Bounds of this Province. REP.* 1678, *ch.* 16. Ditto.

Confirmed among the perpetual Acts 1676, *ch.* 2. But repealed as above.

C H A P. XI.

An Act for recording the Journal of the Lower Houſe. REP. 1676, *ch.* 2. Ditto.

A new Act 1684, *ch.* 4.

C H A P. XII.

An Act for marking Highways, and making the Heads of Rivers, Creeks, Branches and Swamps, paſſable for Horſe and Foot. REP. 1676, *ch.* 2. Ditto.

A new Act made 1669, *ch.* 13.

C H A P. XIII.

An Act concerning Outlawries. REP. 1676, *ch.* 2. Ditto,

C H A P. XIV.

An Act explaining an Act, entitled, * *An Act for the Muſter-Maſter-General's Fees. REP.* 1676, *ch.* 2. Ditto.

* 1650, *ch.* 9.

C H A P. XV.

An Act for the Clerk's Fees, and Allowance of Jurors in civil Cauſes. REP. 1676, *ch.* 2. Ditto.

An Explanatory Act 1671, *ch.* 17.

C H A P. XVI.

An Act for the Repeal of an Act, entitled, An Act for the Encouragement of William Smith *in his undertaking the Country's Work at* St. Mary's. *REP.* 1676, *ch.* 2. Ditto.

CHAP.

CHAP. XVII.

Paſſed 1ſt of May 1666. *An Act for building a Priſon at* St. Mary's. *REP.* 1676, *ch.* 2.

CHAP. XVIII.

Ditto. *An Act againſt Hog-Stealers. REP.* 1676, *ch.* 2.

For 3 Years, *&c.* A new Act 1671, *ch.* 7.

CHAP. XIX.

Ditto. *An Act for Repeal of Part of a Branch of an Act, entitled,* * *An Addition to the Secretary's Fees. REP.* 1676, *ch.* 2.

* 1662, *ch.* 21.

CHAP. XX.

Ditto. *An Act touching Payment of Debts, in the Year of our Lord* 1667. *REP.* 1676. *ch.* 2.

CHAP. XXI.

Ditto. *An Act for the Encouragement of Trade. REP.* 1676, *ch.* 2.

N. B. This Act being to prohibit the Planting of Tobacco, for a certain Time therein limited (*viz.* from the 1ſt of *February* 1666, 'till the 1ſt of *February* 1667, and therefore commonly called the Ceſſation Act) his Lordſhip having duly conſidered the great Inconveniencies which might follow therefrom, not only to the poorer Sort of Planters, within this Province, but alſo to his Majeſty, in relation to the Cuſtoms, thought fit to ſignify his DISASSENT and Diſagreement unto, and Diſapprobation of, the ſaid Act, under his Hand and Seal at Arms, by an Inſtrument, dated 24th *November* 1666. See Council Proceedings, *fol.* 276; and the Governor's Order for proclaiming the ſame, dated 16th *February* 1666, *fol.* 277.

CHAP. XXII.

Ditto. *An Act againſt Runaways, and ſuch as ſhall entertain them. REP.* 1676, *ch.* 2.

For 3 Years, *&c.* A new Law made 1671, *ch.* 19.

CHAP. XXIII.

Ditto. *An Act for giving Paſſes to thoſe Perſons that are to depart this Province. REP.* 1676, *ch.* 2.

For 3 Years, *&c.*

CHAP. XXIV.

Ditto. *An Act limiting Servants Times. REP.* 1676, *ch.* 2.

By this Act all former Acts for limiting Servants Times are repealed. A new Act made 1671, *ch.* 24.

CHAP. XXV.

Ditto. *An additional Act to the Law, entitled,* † *An Act for the Publication of Marriages. REP.* 1676, *ch.* 2.

For 3 Years, *&c.* † 1662, *ch.* 5.

CHAP. XXVI.

Ditto. *An Act limiting Ordinary Keepers. REP.* 1676, *ch.* 2.

For 3 Years, *&c.* A new Act 1669, *ch.* 9.

CHAP. XXVII.

Ditto. *An Act providing for the Payment of* 25 ℔ *of Tobacco per Poll, in the Ceſſation Year, to the Lieutenant-General. REP.* 1676, *ch.* 2.

See 1662, *ch.* 19.

CHAP. XXVIII.

Ditto. *An Act for the reviving certain Laws within this Proviuce. REP.* 1676, *ch.* 2.

Viz. 1658, *ch.* 2, 3, 4, and 6; 1661, *ch.* 2, 3, and 5; 1662, *ch.* 3, 4, 5, 9, 10, 12, 15, 16, 17, 19, and 21; and 1663-4, *ch.* 1, 2, 4, 14, 15, 16, 17, 19, 20, 21, 22, and 33; hereby continued 3 Years, *&c.*

CHAP. XXIX.

Ditto. *An Act for the Burgeſſes Expences, and other public Debts. REP.* 1676, *ch.* 2.

Acts

Acts made at a GENERAL ASSEMBLY, begun and held at *St. Mary's*, in the Province of *Maryland*, the 13th *April*, and ended 8th *May*, *Anno Domini* 1669.

The Hon. CHARLES CALVERT, Esq; Governor.

CHAP. I.

An Act for the Continuation of Peace with, and Protection of, our Neighbours and Confederates, Indians *on* Choptank *River*. *Lib.* C *and* WH. *fol.* 162. *Lib.* WH. *fol.* 126. *and Lib.* WH *and* L. *fol.* 34. Passed 8th of *May* 1669.

N. B. This Act, on Account of the Fidelity of the *Choptank Indians*, in delivering up some Murderers, *&c.* settles upon them, and their Heirs for ever, all that Land on the South Side of *Choptank* River, bounded Westerly by the Free-hold, now in Possession of *William Dorrington*, and Easterly with Secretary *Sewall's* Creek, for Breadth: And for Length, three Miles into the Woods. To be held of his Lordship, under the yearly Rent of six Beaver Skins; and is confirmed among the perpetual Laws, by 1676, *ch.* 2. By the Act of 1721, *ch.* 12, Commissioners were appointed for ascertaining the Bounds of these Lands: And the same Lands are confirmed to them, by the Act of 1723, *ch.* 18.

CHAP. II.

An Act for Limitation of certain Actions, for avoiding Suits at Law. Lib. C *and* WH. *fol.* 163. *Lib.* WH. *fol.* 73. *and Lib.* WH *and* L. *fol.* 35. *EXP.* Ditto.

For 3 Years, *&c.* Continued by various reviving Acts, till 1692, when a new Act was made *ch.* 35.

CHAP. III.

An Act for the providing sufficient Freight and Carriage for the proper Goods and Commodities of his Lordship the Lord Proprietary of this Province, and of the Governor of this Province, for the Time being. Lib. C *and* WH. *fol.* 165. *Lib.* WH. *fol.* 76. *and Lib.* WH *and* L. *fol.* 36. *EXP.* Ditto.

For 3 Years, *&c.* And continued by various reviving Acts, till the Revolution.

CHAP. IV.

Petition of Garret Vansweringen, Barbara de Barrette, *Wife of the said* Garret, Elizabeth Vansweringen, *and* Zecharias Vansweringen, *Children of the said* Garret *and* Barbara; Isaac de Barette, Robert Roelands, Jean Jourdain, John Vanheeck, Charles de le Roche, *and* Peter Johnson; *all Residents and Inhabitants of this Province. Lib.* C *and* WH. *fol.* 169. *Lib.* WH. *fol.* 127. *and Lib.* WH *and* L. *fol.* 39. *PR.* Ditto.

Viz. Naturalization.

CHAP. V.

An Act limiting the Extent of Attachments, and providing what shall be levied upon Attachments and Executions. Lib. C *and* WH. *fol.* 172. *Lib.* WH. *fol.* 80. *and Lib.* WH *and* L. *fol.* 41. *EXP.* Ditto.

For 3 Years, *&c.* Continued by several reviving Acts. A new Law made 1683, *ch.* 2.

CHAP. VI.

An Act for recording the Journal of the Lower House. Lib. C *and* WH. *fol.* 175. *Lib.* WH. *fol.* 130. *and Lib.* WH *and* L. *fol.* 43. *REP.* Ditto.

Confirmed 1676, *ch.* 2. A new Law 1684, *ch.* 4.

CHAP. VII.

An Act providing what shall be good Evidence to prove foreign Debts. Lib. C *and* WH. *fol.* 175. *Lib.* WH. *fol.* 84. *and Lib.* WH *and* L. *fol.* 43. *EXP.* Ditto.

For 3 Years, *&c.* Continued by several reviving Acts, till 1692, when a new Law was made, *ch.* 50.

CHAP. VIII.

An Act for the Encouragement of such Persons as will undertake to build Water-Mills. Lib. C *and* WH. *fol.* 179. *Lib.* WH. *fol.* 127. *and Lib.* WH *and* L. *fol.* 45. *REP.* Ditto.

Confirmed by 1676, *ch.* 2. A new Act 1692, *ch.* 70.

CHAP. IX.

An Act limiting Ordinary Keepers. REP. 1676, *ch.* 2. Ditto.

A new Act 1674, *ch.* 17.

CHAP. X.

An Act for reviving certain Laws, within this Province. REP. 1676, *ch.* 2. Ditto.

CHAP.

CHAP. XI.

Passed 8th of *May* 1669. *An Act of Gratitude to the Lieutenant-General.* REP. 1676, *ch.* 2.
A new Act 1674, *ch.* 1.

CHAP. XII.

Ditto. *An Act to avoid double Payment of Debts.* REP. 1676, *ch.* 2.

CHAP. XIII.

Ditto. *An Act for marking Highways, and making the Heads of Rivers, Creeks, Branches and Swamps, passable for Horse and Foot.* REP. 1676, *ch.* 2.
A new Act 1671, *ch.* 23.

CHAP. XIV.

Ditto. *An Act for Payment of Money-Debts in Tobacco.* REP. 1676, *ch.* 2.

CHAP. XV.

Ditto. *An Act for the Relief of Prisoners taken in Execution.* REP. 1676, *ch.* 2.

CHAP. XVI.

Ditto. *An Act appointing Court Days, in each respective County, within this Province.* REP. 1676, *ch.* 2.
A new Act 1674, *ch.* 8.

CHAP. XVII.

Ditto. *An Act providing against Sheriffs taking excessive Fees.* REP. 1676, *ch.* 2.

CHAP. XVIII.

Ditto. *An Act for preventing Servants, and criminal Persons, running out of this Province.* REP. 1676, *ch.* 2.

CHAP. XIX.

Ditto. *An Act for the Reviving and Amendment of an Act, entitled, An Additional Act concerning the Payment of Fees due from criminal Persons.* REP. 1676, *ch.* 2.

CHAP. XX.

Ditto. *An Act for the Payment of the public Charge of this Province.* REP. 1676, *ch.* 2.

1671. Acts made at a GENERAL ASSEMBLY, begun and held at *St. Mary*'s, in the Province of *Maryland*, the 7th Day of *March*, and ended the 19th Day of *April*, in the 39th Year of the Dominion of CÆCILIUS, *&c. Annoq; Domini* 1671.

The Hon. CHARLES CALVERT, Esq; Governor.

CHAP. I.

Passed 19th *April* 1671. *The humble Petition of* Bernard Johnson, *of* Calvert *County*, *Cooper*; William Nengfinger, *of* St. Mary's *County*; John Gotée *and* Margaret *his Wife*, *of* Dorchester *County*; *and* Stephen Beeson, *of the same County*. *Lib.* C *and* WH. *fol.* 183. *Lib.* WH. *fol.* 130. *and Lib.* WH *and* L. *fol.* 48. *PR.*
For Naturalization. Confirmed by 1676, *ch.* 2.

CHAP. II.

Ditto. *An Act for the encouraging the Importation of Negroes and Slaves into this Province.* *Lib.* C *and* WH. *fol.* 185. *Lib.* WH. *fol.* 130. *and Lib.* WH *and* L. *fol.* 49. *REP.*
Confirmed by 1676, *ch.* 2. A new Act made 1692, *ch.* 52.

CHAP. III.

Ditto. *An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco, towards the defraying the necessary Charges of their Counties.* *Lib.* C *and* WH. *fol.* 186. *Lib.* WH. *fol.* 131. *and Lib.* WH *and* L. *fol.* 131. *REP.*
A new Act made 1692, *ch.* 27.

CHAP. IV.

Ditto. *An Act against the Divulgers of false News.* *Lib.* C *and* WH. *fol.* 187. *Lib.* WH. *fol.* 88. *and Lib.* WH *and* L. *fol.* 51. *EXP.*
For 3 Years, *&c.* Continued by various Acts, till 1692, when a new Law was made, *ch.* 5.

CHAP.

CHAP. V.

An Act for the making void, and punishing of all fraudulent Practices tending to the Defraud of real Purchasers and Creditors. Lib. C *and* WH. *fol.* 188. *Lib.* WH. *fol.* 132. *and Lib.* WH *and* L. *fol.* 51. *REP.* Passed 19th *April* 1671.

Confirmed among the perpetual Laws, 1676, *ch.* 2.

CHAP. VI.

An ACT for Quieting Possessions. *Lib.* C *and* WH. *fol.* 191. *Lib.* WH. *fol.* 134. *and Lib.* WH *and* L. *fol.* 53. Ditto.

N. B. This Act is confirmed among the perpetual Laws, by 1676, *ch.* 2, and is also approved and quoted in the Act of 1715, *ch.* 47, and all Property obtained under it is confirmed, §. 1, 2.

Preamble.

FORASMUCH as in the Beginning of this Plantation, and till of late Years, there never was any settled Course of conveying Lands, Tenements or Hereditaments, from Man to Man, in this Province, by reason whereof the Titles of divers Persons, who have, *bonâ fide*, bought and paid for Lands, become doubtful: And thence arise divers Suits at Law, to the great Loss of divers Inhabitants of this Province, We, the Delegates and Deputies of the Freemen of this Province, in this present General Assembly, do pray that it may be Enacted,

Conveyances by Writing only, with or without Seal, heretofore made, shall be good in Law.

II. **And be it Enacted** *by the Right Honourable the Lord and Proprietary of this Province, by and with the Advice and Consent of the Upper and Lower Houses of this present General Assembly*, That all Sales, Gifts or Grants heretofore made, of any Lands, Tenements or Hereditaments, within this Province, by any Person or Persons whatsoever, that Right had to sell, give or grant such Lands, Tenements or Hereditaments, made by Writing only, with or without Seal, shall for ever hereafter be accounted good, and available in Law, to bar the Heirs or Executors of such Vendors, Donors or Grantors; and all Persons claiming Dower from any such Vendors, Donors or Grantors; any Error in the Form only, of such Writings, to the contrary notwithstanding.

Where lost or defaced, Proof of Payment shall be good in Law.

III. **And forasmuch** as divers Assignments of Patents (written on the Back-side of such Patents) for Land, are now worn out, and also many other Sales in Paper, either worn out, or quite lost, for which the Purchase Money hath been *bonâ fide* paid, **Be it further Enacted** *by the Authority, Advice and Consent aforesaid*, That all Sales, Gifts or Grants heretofore made, by Persons that Right had, as aforesaid, where either the Sale, Gift or Grant, or Payment, *bonâ fide* made, can be proved by Witness, such Sales shall for ever hereafter be accounted good, and available in the Law, to bar the Heirs and Executors of such Vendors, Donors or Grantors, or other Persons claiming Dower from any such Vendors, Donors or Grantors; any Law, Custom or Usage to the contrary hereof notwithstanding.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. VII.

An Act against Hog-Stealers. Lib. C *and* WH. *fol.* 193. *Lib.* WH. *fol.* 89. *and Lib.* WH *and* L. *fol.* 54. *EXP.* Passed 19th *April* 1671.

For 3 Years, &c. Continued by several reviving Acts. A new Act made 1692, *ch.* 32.

CHAP. VIII.

An Act for providing a Standard, with English *Weights and Measures, in the several and respective Counties, within this Province. Lib.* C *and* WH. *fol.* 195. *Lib.* WH. *fol.* 92. *and Lib.* WH *and* L. *fol.* 56. *EXP.* Ditto.

For 3 Years, &c. Continued from Time to Time. A new Act 1692, *fol.* 43.

CHAP. IX.

An Act prohibiting the Importation of all Horses, Geldings, Mares or Colts, into this Province. Lib. C *and* WH. *fol.* 199. *Lib.* WH. *fol.* 96. *and Lib.* WH *and* L. *fol.* 58. *EXP.* Ditto.

For 3 Years, &c. Expired in 1692. An Explanatory Act 1671, *ch.* 30.

CHAP. X.

Paſſed 19th *April* 1671. *The humble Petition of* Alexander Dhynioſſa, *of* Forſter's Iſland, *in the County of* Talbot, *and* Margaretta, *his Wife*; Alexander, Johannes, Peter, Maria, Johanna, Chriſtina, *and* Barbara, *Sons and Daughters of the ſaid* Alexander *and* Margaretta; Matthew Cartwright, *of* St. Mary's *County*; Thomas Turner, *of* Ann-Arundel *County*; Matthias Peterſon, *and* Peter *his Son*, *of* Talbot *County*; Jacob Clauſe de Young, *of* Baltimore *County*; Hans Jacob de Ring, *of the ſame County*; Rutgertſon Garrets, *of the ſame County*; John Lederer, *of* Calvert *County*; John Elexon, *of* Kent *County*; Peter Mills, *of* St. Mary's *County*; Mark Cordea, *of* St. Mary's *County*; Nicholas Fountaine, *of* Somerſet *County*; Anthony Demouderer, *of* Ann-Arundel *County*; *and* Andrew Toulſon, *of* Baltimore *County*. *Lib.* C *and* WH. *fol.* 199. *and Lib.* WH *and* L. *fol.* 58. *PR.*

For Naturalization. Confirmed by 1676, *ch.* 2.

CHAP. XI.

Ditto. *An Act for the raiſing and providing a Support for his Lordſhip the Lord and Proprietary of this Province, during his natural Life, as likewiſe a Supply towards the Defraying the public Charges of Government.* *Lib.* C *and* WH. *fol.* 202. *Lib.* WH. *fol.* 135. *and Lib.* WH *and* L. *fol.* 60. *EXP.*

Viz. (1.) Two Shillings Sterling per Hogſhead on all Tobacco exported, to be paid by the Maſters of Ships and Veſſels on clearing out, and before their Departure. (2.) All ſuch Maſters at their firſt Arrival, and before taking any Tobacco on board, to give Security for the true Payment of the ſaid Impoſition, on Forfeiture of all Tobacco ſhipped, or attempted to be ſhipped on board before ſuch Security given, and Certificate thereof obtained. (3.) One Half of the ſaid Money to be employed towards the maintaining a conſtant Magazine, with Arms and Ammunition, for the Defence of the Province, and defraying other neceſſary Charges of Government. (4.) During the Continuance of this Act, no public Levy to be laid on the Inhabitants of this Province, but by Conſent of the Freemen in open Aſſembly; and the 3d Section of the Act of 1650, *ch.* 26, to remain ſuſpended. (5.) His Lordſhip, during the ſame Continuance, to receive good, ſound and merchantable Tobacco, when tendered for his Rents and Alienation Fines, at 2 *d.* per Pound. (6.) The Act of 1650, *ch.* 9, to be for ever repealed. (7.) This Act to continue during his Lordſhip's natural Life, and for one Crop after his Deceaſe.

By the Act of 1674, *ch.* 1, this Act (with the Addition of a Clauſe, that in caſe of Shipwreck, *&c.* ſo that the Tobacco ſhould be loſt, before their Delivery at the Port, then the Merchant, Maſter or Owners of the Tobaccoes ſo loſt, ſhould be repaid the ſaid Duty of Two Shillings per Hogſhead, or have Liberty to ſhip, at ſome other Time, ſo many Hogſheads as they had paid Money for, free of any the ſaid Impoſition) was further continued for and during the Life of the Honourable *Charles Calvert*, Eſq; Son and Heir apparent of his Lordſhip, then Governor of the Province.

And by the Act of 1676, *ch.* 3, the ſame Duty, under the ſame Limitations and Proviſoes, was further continued, not only for and during the Life of the Right Honourable CHARLES, then Lord Proprietary of this Province, but alſo for and during the natural Life of the Honourable *Cæcilius Calvert*, Eſq; Son and Heir apparent of his ſaid Lordſhip.

The Government at the Revolution being ſeized into the Hands of the Crown, theſe Duties continued to be collected under the above recited Acts, and lodged with the Treaſurers as belonging to the Public. And in the firſt Aſſembly held by Commiſſion from their Majeſties, under Governor *Copley*, an Act was made (*viz.* 1692, *ch.* 4,) which ſettled a Revenue of One Shilling Sterling per Hogſhead on all Tobacco exported, *for the Support of their Majeſties Governor within this Province for the Time being.* Lord *Baltimore* had always laid Claim to the Moiety of the Two Shillings per Hogſhead, granted by the aforeſaid Acts, as a private Contract between him and his Tenants, under the Sanction of Laws, which they had obliged themſelves to pay, in Compenſation for the Loſs he might ſuſtain in his Rents, *&c.* by receiving Tobacco inſtead of Sterling Money, at the Price therein ſtipulated: And as ſuch, had obtained repeated Orders from the Crown, to the Perſons in whoſe Hands the Adminiſtration of Government then was, for the Payment thereof to him. But receiving no Benefit thereby, Col. *Henry Darnall*, his Lordſhip's Agent, on the 27th *May* 1692, petitioned the General Aſſembly, for Liberty *peaceably and quietly to receive and collect all his Lordſhip's Dues and Revenues in this Province*; and, among other Claims, demanded the Moiety of the Two Shillings per Hogſhead above mentioned, as belonging to the Proprietary's private Eſtate. See the King's Letter, upon which this Petition was founded, in the Note upon the Act of 1692, *ch.* 17.

The Anſwer of the General Aſſembly to this Particular (which was tranſmitted to the Lords of the Committee for Trade and Plantations) is couched in theſe Words:

" As to the 12 *d.* per Hogſhead, this Houſe ſay, that they are ready, with their Majeſties Royal " Aſſent, to confirm the ſame to his Lordſhip; provided his Lordſhip grant the ſame Conditions " of Plantations he did before the happy Revolution, or the ſame that their Majeſties do to the " Colony of *Virginia*, to the Inhabitants of this Province, and ſuch of their Majeſties Subjects, " as for the future ſhall tranſport themſelves hither, to inhabit. Which, we humbly conceive, " was the true Intention and Deſign of his Lordſhip's Patent, granted by King CHARLES the Firſt, " as fully appears by the Preamble thereof, which was primarily to advance the Crown of *Eng-* " *land*, by ſeating a large and ample Colony. Which, we humbly conceive, the beſt Way to " effect, is, by granting eaſy Terms and Conditions of taking up Land, to the Inhabitants, at " preſent and future Times; without which the Province will daily decay, and the Intent of " the Patent totally fruſtrated."

The

The Sollicitor-General (Sir *Thomas Trevor*'s) Opinion therein, which was approved by the King in Council, is as follows: CHAP. XI.

"As to his Lordship's first Demand of Twelve Pence per Hogshead, for all Tobacco exported "out of that Province, I find the said Duty is Part of a certain Duty of Two Shillings a Hogs- "head, for all Tobacco exported from that Province, granted by an Act of the Assembly there, "of the 7th of *March* 1671; one Moiety whereof is by the said Act appropriated to the public "Service, for the better Support of the Government; and the other Moiety, which is the Twelve "Pence a Hogshead now demanded by the Lord *Baltimore*, is thereby granted to the Lord "*Baltimore*, to be received by him, for his own Use, as Proprietor of the said Province, and "that the said Twelve Pence a Hogshead was, by Order of Council, the 26th of *February* "1690, directed to be answered and paid to the Lord *Baltimore*, as Proprietor of *Maryland*; and "I do not find that the Assembly do much contest my Lord's Right to this Duty of Twelve "Pence a Hogshead, in the Representation they have made to their Majesties, where they say, "*they are, with their Majesties Royal Assent, ready to confirm the same to his Lordship, provided his "Lordship grant the same Conditions of Plantations he did before the happy Revolution, or the same that "their Majesties do to the Colony of* Virginia, *to the Inhabitants of that Province.* But what those "Conditions are, it doth not appear to me, otherwise than by looking into the said Act of As- "sembly in 1671; by which the said Duty was granted to the Lord *Baltimore*, upon Condition, "that his Lordship should accept a Pound of Tobacco, instead and lieu of every Two Pence "Rent at any Time reserved upon any Grant of Land made by his Lordship: Which Condi- "tion, his Lordship affirms to me, he always hath and still is ready to comply with."

In consequence of this Report, and his Majesty's Approbation thereof in Council, Lord *Baltimore* received the 12 *d.* per Hogshead, during his natural Life, pursuant to the Laws above mentioned, the said Moiety being of private Concern, and consequently not falling under any of the general Repeals in 1692, 1699, 1700, or 1704; all which had a saving Clause in Favour of private Rights and Benefits obtained under any former Laws. Upon Notice of his Lordship's Decease, an Act passed, 1715, *ch.* 9, continuing the Collection of the 12 *d.* per Hogshead, till the 29th *September*, in that Year, to be paid on the same Condition, to Lord *Benedict Leonard* the present Proprietary, if his Lordship should think proper to accept thereof. And in the same Session, *ch.* 38, a new Law was made, granting his Lordship 18 *d.* Sterling per Hogshead, on Condition of his receiving his Quit-Rents and Alienation Fines, in Tobacco, at 2 *d.* per Pound.

CHAP. XII.

An Act for the Advancement of foreign Coins. *REP.* 1676, *ch.* 2. Passed 19th *April* 1671.

A new Act 1686, *ch.* 4.

CHAP. XIII.

An Act touching Coopers. *REP.* 1676, *ch.* 2. Ditto.

A new Act 1676, *ch.* 9.

CHAP. XIV.

An Act for the Stay of Execution after April *Court.* *REP.* 1676, *ch.* 2. Ditto.

A new Act 1671, *ch.* 25.

CHAP. XV.

An Act for reviving certain Laws within this Province. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XVI.

An Act for the Coroner's Fees. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XVII.

*An Explanation of two Clauses in an Act, entitled, * An Act for the Clerk's Fees, and Allowance for Jurors in civil Causes; with an Addition of a Fee to the Seal of each respective County.* *REP.* 1676, *ch.* 2. Ditto.

* 1666, *ch.* 15.

CHAP. XVIII.

An Act for the settling the Rates and Prices in Money of all Wines, Liquors, and other Commodities, sold by Retail, within this Province. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XIX.

An Act against Runaways, and all such Persons as shall give them Entertainment, and others that shall Travel without Passes. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XX.

An Act for the Encouragement of the sowing and making of Hemp and Flax. *REP.* 1676, *ch.* 2. Ditto.

A new Act 1682, *ch.* 6.

CHAP. XXI.

An Act for the Enrolment of Conveyances, and securing the Estates of Purchasers. *REP.* 1676, *ch.* 2. Ditto.

A new Law 1674, *ch.* 2, by which this Act is also repealed.

CHAP. XXII.

An Act for the Payment of the public Charge of this Province. *REP.* 1676, *ch.* 2. Ditto.

Acts made at a GENERAL ASSEMBLY, held at the City of *St. Mary's*, on the 10th, and ended the 20th Day of *October*, in the 40th Year of the Dominion of CÆCILIUS, *&c. Annoq; Domini* 1671.

N. B. The first time he is now Usual Title of Courtesy given to the Governor.

His Excellency CHARLES CALVERT, Esq; Governor.

CHAP. XXIII.

Passed 20th *Octob.* 1671. *An Act for marking Highways, and making the Heads of Rivers, Creeks, Branches and Swamps, passable for Horse and Foot. Lib.* C *and* WH. *fol.* 206. *Lib.* WH. *fol.* 100. *and Lib.* WH *and* L. *fol.* 62. *EXP.*

For 3 Years, *&c.* Continued by several reviving Acts. A new Law made 1692, *ch.* 39. All former Acts relating to Highways are hereby repealed.

CHAP. XXIV.

Ditto. *An Act prohibiting all Sheriffs, Sub-Sheriffs, or Deputy-Sheriffs, all Clerks, Sub-Clerks, or Deputy-Clerks, to plead as an Attorney, in any Court or Courts, within this Province, where he or they shall bear such Office. Lib.* C *and* WH. *fol.* 207. *Lib.* WH. *fol.* 137. *and Lib.* WH *and* L. *fol.* 63. *REP.*

A new Act 1692, *ch.* 37.

CHAP. XXV.

Ditto. *An Act for Stay of Execution after* April *Court. Lib.* C *and* WH. *fol.* 209. *Lib.* WH. *fol.* 101. *and Lib.* WH *and* L. *fol.* 64. *EXP.*

For 3 Years, *&c.* Continued by several reviving Acts. A new Law made 1692, *ch.* 59.

CHAP. XXVI.

Ditto. *An Act for the Killing of Wolves. Lib.* C *and* WH. *fol.* 211. *Lib.* WH. *fol.* 138. *and Lib.* WH *and* L. *fol.* 66. *EXP.*

For 3 Years. *&c.* Continued by several reviving Acts. A new Law 1692, *ch.* 60. All former Acts relating to Wolves, are hereby repealed.

CHAP. XXVII.

Ditto. *An Act for the Preservation of Orphans Estates. Lib.* C *and* WH. *fol.* 211. *Lib.* WH. *fol.* 139. *and Lib.* WH *and* L. *fol.* 66. *REP.* 1681, *ch.* 2.

Confirmed by 1676, *ch.* 2.

CHAP. XXVIII.

Ditto. *Petition of* Matthias de Costa, *of* St. Mary's *County, in the Province of* Maryland. *Lib.* C *and* WH. *fol.* 218. *and Lib.* WH *and L. fol.* 71. *PR.*

Viz. For Naturalization.

CHAP. XXIX.

Ditto. *The humble Petition of* Hans Hanson, Cornelius Comegys *the Elder,* Millementy Comegys *his Wife,* Cornelius Comegys *the Younger,* Elizabeth Comegys, William Comegys, *and* Hannah Comegys, *their Children. Lib.* C *and* WH. *fol.* 220. *and Lib.* WH *and* L. *fol.* 72. *PR.*

Viz. For Naturalization.

CHAP. XXX.

Ditto. *An Act for the Explanation of one Clause in an Act prohibiting the Importation of all Horses, Geldings, Mares and Colts, into this Province, with an Additional Amendment therein. Lib.* WH. *fol.* 97. *EXP.*

For 3 Years, *&c.* See the original Act 1671, *ch.* 9.

CHAP. XXXI.

Ditto. *An Act limiting Servants Times. REP.* 1676, *ch.* 2.

CHAP. XXXII.

Ditto. *An Act for reviving certain Laws within this Province. REP.* 1676, *ch.* 2.

CHAP. XXXIII.

Ditto. *An Act for the Payment of the public Charge of this Province. REP.* 1676, *ch.* 2.

Acts made at a GENERAL ASSEMBLY, held at the City of *St. Mary's*, the 19th Day of *May*, and ended the 6th Day of *June*, in the 42d Year of the Dominion of the Right Honourable CÆCILIUS, &c. *Annoq; Domini* 1674.

His Excellency CHARLES CALVERT, Esq; Governor.

CHAP. I.

An Act of Gratitude to his Excellency Charles Calvert, *Esq; Governor.* *Lib.* C *and* WH. *fol.* 222. *Lib.* WH. *fol.* 63. *and Lib.* WH *and* L. *fol.* 73. *EXP.* Passed 6th of *June* 1674.

This Act continues the 2 *s.* per Hogshead on all Tobaccoes exported, granted to his Lordship by the Revenue Act of 1671, *ch.* 11, for and during the Life of his Excellency *Charles Calvert*, Esq; Son and Heir apparent of the Lord Proprietary.

CHAP. II.

An ACT for the enrolling of Conveyances, and securing the Estates of Purchasers. *Lib.* C *and* WH. *fol.* 226. *Lib.* WH. *fol.* 118. *and Lib.* WH *and* L. *fol.* 76. Ditto.

This Act is confirmed by 1676, *ch.* 2, and is also approved, and all the Purchases made under it, are confirmed by the Act of 1715, *ch.* 47, §. 4.

FOR the better establishing of a Way and Method of Conveying of Manors, Lands, Tenements and Hereditaments, within this Province, for the future; and for the avoiding of all Abuses and Deceit, in incumbering Estates by Mortgages, and otherwise, by the Owners of Lands and Hereditaments, to the prejudice of Purchasers, for valuable Considerations, and such as Lend their Monies upon real Securities; Preamble.

II. **Be it Enacted** *by his Lordship the Lord Proprietary of this Province, by and with the Advice and Consent of the Upper and Lower Houses of this present General Assembly*, That from and after the Publication hereof, no Manors, Lordships, Lands, Tenements or Hereditaments whatsoever, within this Province, or any the Lands, Islands, Territories or Places thereunto belonging, shall pass, alter or change from one to another, whereby the Estate of Inheritance, or Freehold, or any Estate for Years (other than such upon which the improved yearly Rents reserved to be paid) shall be made to take Effect in any Person or Persons, or any Use or Trust thereof, except the Deed or Deeds, Conveyance or Conveyances, by which the same shall be intended to pass, alter or change, be made by Writing indented and sealed; and that the same be acknowledged in the Provincial Court of this Province, or before two of the Privy Council of this Province, or in the Court of the same County, or before two of the Justices of the Peace of the same County, where the same Manors, Lordships, Lands, Tenements and Hereditaments do lie; and be enrolled, or the Substance of the same *(That is to say)* the certain Dates, Names, Surnames, and Additions of the Parties thereunto, with the certain Considerations for which the same are made, and the Certainty of the Premises, and of the Estate and Estates thereby intended to pass, be enrolled in the Provincial Court of this Province, or in the County Court where the Land doth lie: The same Enrolment to be made within twelve Months, next after the Date of the said Writings indented; for the Caption of which said Acknowledgment, there shall be paid to the Parties taking the same, Twelve Pence Sterling, and no more. And for which said Enrolment, there shall be paid to the Clerk of the said Provincial or County Court, in case the same do not exceed half a Side of a Leaf in Folio, in the Record Book, wherein the same shall be enrolled, the Sum of Eight Pence only; and if the same do All Conveyances to be made by Writing indented and sealed, and to be acknowledged and enrolled.

exceed

CHAP. II.

exceed half a Side of a Leaf as aforeſaid, then the Sum of Sixteen Pence; and ſo after the Rate of Sixteen Pence of every Side of a Leaf which the Enrolment ſhall take up. And that the ſaid Clerk of the ſaid Court, ſhall well and ſufficiently enrol the ſame, with a Note of the Day wherein the ſame ſhall be enrolled, in a good ſufficient Book in Folio, to remain in the Cuſtody of the Clerk of the ſame Court, for the Time being, amongſt the Records of the ſaid Court; to the Intent that every Party that hath to do therewith, may reſort unto and ſee the Enrolment. And that the ſame Clerk ſhall, on the Back of every ſuch Deed, in a full legible Text-hand, make an Endorſement of the Day and Year of ſuch Enrolment, and alſo of the Folio of the Book in which the ſame is enrolled, and ſhall unto ſuch Endorſement ſet his Hand.

Deeds perfected out of the Province, in any Part of the *Britiſh* Dominions, how to be acknowledged.

III. **Provided always, and it is hereby Enacted** *by the Authority aforeſaid, and by the Advice and Conſent aforeſaid*, That where the Grantor or Grantors, Bargainor or Bargainors, of any ſuch Manors, Lordſhips, Lands, Tenements or Hereditaments, ſhall happen to be out of this Province, and within any of the Dominions of his Majeſty the King of *England*, at the Time of the enſealing of ſuch Writing or Writings indented, ſo that the ſame cannot be acknowledged in Manner and Form as is before directed, or enrolled within the Time for that Purpoſe herein before limited; that, in every ſuch Caſe, the Acknowledgment of ſuch Writing or Writings, before the chief Governor or Governors, of any of his ſaid Majeſty's Plantations, or before the Mayor, or chief Magiſtrate of any City, or Town-corporate, within his ſaid Majeſty's Dominions, and a Certificate thereof under the Hand and Seal of ſuch chief Governor or Governors, or under the Common Seal of ſuch City, or Town-corporate, annexed and affixed unto ſuch Writing indented, the Enrolment of ſuch Writing, together with ſuch Certificate, in the Provincial Court before mentioned, within two Years next after the Date of the ſaid Writing indented, ſhall be a ſufficient Acknowledgment and Enrolment in the Law, to all Intents and Purpoſes, and as effectual and available for the Paſſing and Conveying of the Manors, Lordſhips, Lands, Tenements and Hereditaments thereby intended to be paſſed or conveyed, as if the ſame had been acknowledged in this Province, and enrolled according to the Intent and Directions of this Act; any Thing herein before contained to the contrary hereof notwithſtanding.

Property to paſs from the Date of the Enrolment, and not from the Date of the Deed.

IV. **And be it further Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That every ſuch Writing indented, to be acknowledged and enrolled as aforeſaid, ſhall have relation, as to the Paſſing and Conveying of the Premiſes, and the Eſtate and Eſtates thereby intended to be paſſed and conveyed, only from the Day of the Enrolment of the ſame, and not from the Day of the Date thereof: And ſhall, at all Times be conſtrued and taken moſt favourably and beneficially for the Benefit and Advantage of the Grantee and Grantees, and more ſtrongly for the Barring of the Grantor or Grantors therein to be named; and according to ſuch Intent as by the Words thereof, ſhall appear to have been the true Intendment of the Parties thereunto, albeit the ſame ſhall not happen to be drawn and penned in ſuch ſtrict formal Manner as is uſed in *England*, and other Countries, where the Advice of Council, learned in the Laws of the Country, may be eaſily had, in the drawing and penning of Inſtruments of the like Nature.

Femme Covert to be examined apart from her Huſband, before taking her Acknowledgment.

V. **Provided always**, That where any married Woman, or *Femme Covert* ſhall happen to be named a Party, Grantor in any ſuch Writing indented, the ſame ſhall not be of Force to debar her, or her Heirs, except (upon her Acknowledgment of the ſame) the Perſon or Perſons taking ſuch her Acknowledgment, ſhall examine her privately and ſecretly, out of the Hearing of her Huſband, "Whether ſhe do make ſuch Acknowledgment willingly and freely, "and without being induced thereunto, by any Force or Threats uſed by her "Huſband,

" Husband, or through Fear of his Displeasure?" And that, upon such Examination, she shall own the said Acknowledgment to be free and voluntary. And that the Person or Persons so examining her, shall, in the Note or Certificate of the Caption of the said Acknowledgment, certify such her Examination and Acknowledgment thereupon. And that such Certificate be likewise enrolled upon Record. In which case only every such *Femme Covert* shall be barred, and not otherwise; any Thing herein before contained to the contrary notwithstanding. CHAP. II.

VI. **Provided also,** That no such Writing indented, shall be at any Time enrolled within this Province, before the Receiver-General of the Lord Proprietary of this Province for the Time being, or the Deputy or Deputies of such Receiver-General for the Time being, shall set his or their *Recepimus* thereunto, if any Fine for Alienation for the said Land be due, and by the original Grant reserved; any Thing to the contrary hereof, in this Act, notwithstanding. Alienation Fines to be paid before Enrolment.

VII. **And be it further Enacted,** That all Laws *for Enrolment of Conveyances, and securing the Estate of Purchasers,* heretofore made, be hereby repealed. Former Acts repealed.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

An Act concerning the impannelling of the Grand Inquest in the several Counties within this Province. Lib. C *and* WH. *fol.* 229. *Lib.* WH. *fol.* 102. *and Lib.* WH *and* L. *fol.* 78. *EXP.* Passed 6th of *June* 1674.

For 3 Years, *&c.* Continued by several reviving Acts. Expired 1692.

CHAP. IV.

An Act for the Surveyor-General's Fees, with Addition of Fees upon Re-surveys, and for levying the same. Lib. C *and* WH. *fol.* 230. *Lib.* WH. *fol.* 103. *and Lib.* WH *and* L. *fol.* 79. *EXP.* Ditto.

For 3 Years, *&c.* Continued by several reviving Acts, till its Expiration in 1692. All former Acts, concerning the Surveyor-General's Fees, are hereby repealed.

CHAP. V.

An Act for the Payment of Fees due from criminal Persons. Lib. C *and* WH. *fol.* 232. *Lib.* WH. *fol.* 104. *and Lib.* WH. *and* L. *fol.* 80. Ditto.

For 3 Years, *&c.* Expired after several Revivals in 1692. A new Act made that Year, *ch.* 81.

CHAP. VI.

An Act for limiting of Actions against the Surveyor-General of this Province. Lib. C *and* WH. *fol.* 234. *Lib.* WH. *fol.* 106. *and Lib.* WH *and* L. *fol.* 81. *EXP.* Ditto.

For 2 Years, *&c.* Expired in 1682.

CHAP. VII.

An Act concerning those Servants that have Bastards. Lib. C *and* WH. *fol.* 235. *Lib.* WH. *fol.* 107. *and Lib.* WH *and* L. *fol.* 82. *EXP.* Ditto.

For 3 Years, *&c.* Expired after various Revivals, in 1692, when a new Law was made, *ch.* 49.

CHAP. VIII.

An Act for appointing Court Days in each respective County within this Province. Lib. C *and* WH. *fol.* 236. *Lib.* WH. *fol.* 121. *and Lib.* WH *and* L. *fol.* 83. *REP.* Ditto.

Confirmed by 1676, *ch.* 2. A new Act made 1684, *ch.* 5.

CHAP. IX.

An Act against Burners of Fences. Lib. C *and* WH. *fol.* 238. *Lib.* WH. *fol.* 108. *and Lib.* WH *and* L. *fol.* 84. *EXP.* Ditto.

For 3 Years, *&c.* Continued by several reviving Acts. A new Law 1692, *ch.* 40.

CHAP. X.

An Act concerning taxable Persons. Lib. C *and* WH. *fol.* 238. *Lib.* WH *and* L. *fol.* 85. *EXP.* Ditto.

For 3 Years, *&c.* Was repealed by 1676, *ch.* 2, but revived 1678, *ch.* 15, and expired in 1681.

CHAP.

CHAP. XI.

Passed 6th of *June* 1674. *An Act declaring what ſhall be done by the Sheriff* ex Officio. *Lib.* C *and* WH. *fol.* 239. *Lib.* WH. *fol.* 117. *and Lib.* WH *and* L. *fol.* 85. *REP.*

By this Act is repealed 1662, *ch.* 13. A new Law 1692, *ch.* 28.

CHAP. XII.

Ditto. *The humble Petition of* John Delemaire, William Tick, Cornelius Johnſon, Axell Stille, Henry Freeman, Marcus Syſerſon, Jeffery Jacobſon, Henry Henderſon, Oliver Colke, Mounts Anderſon, Laurence Chriſtian, Hans Peterſon, Cornelius Peterſon, John Desjardins, Martin Mugenbrough, Henry Matthews, Henry Enloes, John Nomers, Andrew Clements, Cornelius Arenſon, Heſter Cordea, John Lecount, Moſes Lecount, Philip Lecount, Anthony Lecount, Heſter Lecount, Katherine Lecount. *Lib.* C *and* WH. *fol.* 240. *Lib.* WH. *fol.* 123. *and Lib.* WH *and* L. *fol.* 86. *PR.*

Viz. For Naturalization.

CHAP. XIII.

Ditto. *An Act prohibiting all Maſters of Veſſels, or any other Perſons, from tranſporting or conveying away any Perſon or Perſons out of this Province, without Paſſes. Lib.* C *and* WH. *fol.* 242. *Lib.* WH. *fol.* 109. *and Lib.* WH *and* L. *fol.* 88. *EXP.*

For 3 Years, *&c.* Continued till 1692, when a new Law was made, *ch.* 51.

CHAP. XIV.

Ditto. *The humble Petition of* John Johnſon *and* Henry Green, *both of* Talbot *County. Lib.* C *and* WH. *fol.* 244. *Lib.* WH. *fol.* 123. *and Lib.* WH *and* L. *fol.* 89. *PR.*

Viz. For Naturalization.

CHAP. XV.

Ditto. *An Act for the Building of a State-Houſe and Priſon at* St. Mary's. *Lib.* C *and* WH. *fol.* 246. *and Lib.* WH *and L. fol.* 90. *OBS.*

CHAP. XVI.

Ditto. *An Act for erecting a Court-Houſe and Priſon in each County within this Province. Lib.* WH. *fol.* 122. *OBS.*

CHAP. XVII.

Ditto. *An Act concerning Ordinary Keepers. REP.* 1676, *ch.* 2.

CHAP. XVIII.

Ditto. *An Act for the Repeal of certain Laws. REP.* 1676, *ch.* 2.

CHAP. XIX.

Ditto. *An Act for amending the Ways out of* Charles *County to the City of* St. Mary's. *REP.* 1676, *ch.* 2.

CHAP. XX.

Ditto. *An Act to reform Attorneys, Counſellors and Sollicitors at Law, of this Province, to avoid unneceſſary Charges in Suits at Law. REP.* 1676, *ch.* 2.

CHAP. XXI.

Ditto. *An Act appointing Sheriffs to take Bail. REP.* 1676, *ch.* 2.

CHAP. XXII.

Ditto. *An Act againſt profaning the Sabbath-Day. REP.* 1678, *ch.* 1.

For 3 Years, *&c.* Continued 1676, *ch.* 1, and repealed by the new Act above recited.

CHAP. XXIII.

Ditto. *An Act for Payment and Aſſeſſing the public Charge of this Province. REP.* 1676, *ch.* 2.

Acts

Acts made at a GENERAL ASSEMBLY, held at the City of *St. Mary*'s, the 12th Day of *February*, in the 43d Year of the Dominion of the Right Honourable CÆCILIUS, *&c. Annoq; Domini* 1674.

His Excellency CHARLES CALVERT, Esq; Governor.

CHAP. XXIV.

The humble Petition of John Long, *of the City of* London, *Merchant. Lib.* C *and* WH. *fol.* 250. *and Lib.* WH *and* L. *fol.* 92. *PR.* Passed *Febr.* 1674.

Viz. For Confirmation of a certain Leaſe.

CHAP. XXV.

The humble Petition of Jacob Duhattoway, Anthony Briſpoe, *and* Peter Achillis, *all reſident and inhabiting within this Province. Lib.* C *and* WH. *fol.* 252. *and Lib.* WH *and* L. *fol.* 93. *PR.* Ditto.

Viz. For Naturalization.

CHAP. XXVI.

An Act concerning what ſhall be allowed to the Grand Juries that are ſummoned twice a Year, out of the Body of the Province, to attend Provincial Courts. Lib. C *and* WH. *fol.* 253. *Lib.* WH. *fol.* 110. *and Lib.* WH *and* L. *fol.* 94. *EXP.* Ditto.

For 3 Years, *&c.* Expired in 1692, after ſucceſſive Revivals. A new Law made 1692, *ch.* 48.

CHAP. XXVII.

An Act for the raiſing a preſent Supply for his Excellency the Captain-General, to defray the Charge of making Peace with the Seneca Indians, *and making War with the* Suſquehannah Indians *and their Confederates, if Occaſion requires. REP.* 1676, *ch.* 2. Ditto.

CHAP. XXVIII.

An Act impowering the Governor and Council to levy the Charge for making War or Peace with the Indians. *REP.* 1676, *ch.* 2. Ditto.

CHAP. XXIX.

An Act for reviving certain Laws within this Province. REP. 1676, *ch.* 2. Ditto.

CHAP. XXX.

An Act for Payment and Aſſeſſing the Public Charge of this Province. REP. 1676, *ch.* 2. Ditto.

CHAP. XXXI.

An Act for the Regulation of Attorneys Fees. REP. 1676, *ch.* 2. Ditto.

Collins died in the beginning of 1676.

Acts made at a GENERAL ASSEMBLY held at the City of *St. Mary*'s the 15th *May*, in the firſt Year of the Dominion of the Right Honourable CHARLES, *&c. Annoq; Domini* 1676; and ended the 15th Day of *June* following. 1676.

His LORDSHIP in PERSON.

CHAP. I.

An Act for reviving of certain Laws within this Province. Lib. WH. *fol.* 1. *REP.* 1678, *ch.* 16. Paſſed 15th *June* 1676.

N. B. By this Act the following Laws were revived, and continued in Force for 3 Years, or to the End of the next Seſſion of Aſſembly, which ſhould firſt happen, *viz.* 1658, *ch.* 5. 1661, *ch.* 2, 3, and 5. 1662, *ch.* 1, and 3. 1663, *ch.* 1, and 2. 1666, *ch.* 1. 1669, *ch.* 2, 3, 5, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 6, 7, 9, 13, 22, and 26.

CHAP. II.

Passed 15th *June* 1676. *An Act for Repeal of certain Laws; and also for ascertaining what Laws are in Force within this Province.* *Lib.* C *and* WH. *fol.* 288. *Lib.* WH. *fol.* 4. *and Lib.* WH *and* L. *fol.* 120.

N. B. By this Act (and the foregoing) the Laws of this Province, which for several Years had remained in a doubtful State, were absolutely fixed to this Period: His Lordship being present, and giving his final Assent in Assembly to the Laws therein mentioned, and to the formal Repeal of others. Hereby the following Acts, *viz.*

List of Laws REPEALED

1640, *ch.* 8.
1647, *ch.* 3, 4, and 6, §. 2.
1649, *ch.* 5, and 9.
1650, *ch.* 6, 7, 9, 32, 33, and 34.
1658, *ch.* 2, 3, 4, and 8.
1661, *ch.* 8, and 9.
1662, *ch.* 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.
1663-4, *ch.* 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, and 37.
1666, *ch.* 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29.
1669, *ch.* 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.
1671, *ch.* 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 31, 32, and 33. And
1674, *ch.* 10, 17, 18, 19, 20, 21, 23, 27, 28, 29, 30, and 31,

are by this present Act of Assembly declared to be absolutely repealed, and for ever after to be void and of none Effect.

And these Laws following, *viz.*

List of Laws CONFIRMED in Perpetuity.

1640, *ch.* 1, 2, and 3.
1646, *ch.* 2.
1647, *ch.* 5.
1649, *ch.* 1, 2, 3, 4, 6, 7, and 8.
1650, *ch.* 2, 3, 4, 5, 8, 23, 24, 25, 26, 27, 28, 29, 30, and 31.
1658, *ch.* 1.
1661, *ch.* 1, 4, 6, and 7.
1662, *ch.* 2.
1663-4, *ch.* 3, 5, 6, 29, and 30.
1666, *ch.* 2, 3, 5, 6, 7, 8, 9, and 10.
1669, *ch.* 1, 4, 6, and 8.
1671, *ch.* 1, 2, 3, 5, 6, 10, 11, 24, 26, 27, 28, and 29. And
1674, *ch.* 1, 2, 8, 11, 14, 15, 16, 24, and 25,

are hereby, and by this present Act of General Assembly, ratified and confirmed, to stand in full Force and Virtue, till his Lordship, by and with the Advice and Consent of the Upper and Lower Houses of this or any future Assemblies, should think fit to alter, amend, revoke or repeal the same, or any one or more of them.

CHAP. III.

Passed 15th *June* 1676. *An Act for continuing the Payment of the Imposition of Two Shillings per Hogshead, during the Life of the Honourable* Cæcilius Calvert, *Esq; Son and Heir of the Right Honourable* Cæcilius, *absolute Lord and Proprietary of the Provinces of* Maryland *and* Avalon, *Lord Baron of* Baltimore, &c. *in Case he survives his Lordship.* *Lib.* C *and* WH. *fol.* 254. *Lib.* WH. *fol.* 18. *and Lib.* WH *and* L. *fol.* 95. *EXP.*

See the Note on 1671, *ch.* 11.

CHAP. IV.

Ditto. *An Act for securing Merchants and Others Tobacco after they have received it.* *Lib.* C *and* WH. *fol.* 259. *Lib.* WH. *fol.* 20. *and Lib.* WH *and* L. *fol.* 98. *EXP.*

For 3 Years, &c. continued by several reviving Laws. A new Act, 1692, *ch.* 26.

CHAP. V.

Ditto. *An Act relating to the Seizure of Tobacco by the Sheriff.* *Lib* C *and* WH. *fol.* 259. *Lib.* WH. *fol.* 22. *and Lib.* WH *and* L. *fol.* 99. *EXP.*

For 3 Years, &c. Continued by several reviving Acts. A new Law made 1692, *ch.* 38.

CHAP. VI.

Ditto. *An Act for Publication of Marriages.* *Lib.* C *and* WH. *fol.* 263. *Lib.* WH. *fol.* 25. *and Lib.* WH *and* L. *fol.* 101. *EXP.*

For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 14.

CHAP. VII.

Ditto. *An Act relating to Servants and Slaves.* *Lib.* C *and* WH. *fol.* 265. *Lib.* WH. *fol.* 27. *and Lib.* WH *and* L. *fol.* 102.

For 3 Years, &c. Continued by several reviving Laws. A new Act 1692, *ch.* 15.

CHAP. VIII.

Ditto. *An Act providing for the Security and Defence of this Province.* *Lib.* WH. *fol.* 35. *REP.* 1678, *ch.* 16.

For 3 Years, &c. A new Act 1678, *ch.* 2.

CHAP.

CHAP. IX.

An Act touching Coopers, and Gauge of Tobacco Hogsheads. Lib. C *and* WH. *fol.* 272. *Lib.* WH. *fol.* 41. *and Lib.* WH *and* L. *fol.* 107. *EXP.* Passed 15th *June* 1676.
For 3 Years, &c. Continued by several reviving Acts. A new Law made 1692, *ch.* 82.

CHAP. X.

An Act concerning Ordinary Keepers. Lib. WH. *fol.* 42. *REP.* 1678, *ch.* 16. Ditto.
For 3 Years, &c. A new Act 1678, *ch.* 5.

CHAP. XI.

An Act for Limitation of Officers Fees. Lib. C *and* WH. *fol.* 276. *Lib.* WH. *fol.* 44. *and Lib.* WH *and* L. *fol.* 110. *REP.* Ditto.
A Supplementary Act 1681, *ch.* 16. A new Act 1692, *ch.* 53.

CHAP. XII.

An Act against the Exportation of Corn. Lib. WH. *fol.* 52. *REP.* 1678, *ch.* 16. Ditto.
For one Year only.

CHAP. XIII.

An Act for Easement of the Inhabitants of this Province in Suits at Law for small Debts. Lib. C *and* WH. *fol.* 282. *Lib.* WH. *fol.* 53. *and Lib.* WH *and* L. *fol.* 115. *EXP.* Ditto.
For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 10.

CHAP. XIV.

An Act for the Constables taking a List of Taxables. Lib. C *and* WH. *fol.* 284. *Lib.* WH. *fol.* 55. *and Lib.* WH *and* L. *fol.* 116. *EXP.* Ditto.
For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 73.

CHAP. XV.

An Act to prevent the unnecessary Delay of Execution. Lib. WH. *fol.* 57. *REP.* 1678, *ch.* 16. Ditto.

CHAP. XVI.

An Act against the Importation of convicted Persons into this Province. Lib. C *and* WH. *fol.* 286. *Lib.* WH. *fol.* 59. *and Lib.* WH *and* L. *fol.* 118. *EXP.* Ditto.
For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 74.

CHAP. XVII.

An Act for securing Creditors. Lib. C *and* WH. *fol.* 287. *Lib.* WH. *fol.* 61. *and Lib.* WH *and* L. *fol.* 119. *EXP.* Ditto.
For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 72.

CHAP. XVIII.

An Act for Payment and Assessing the public Charges of this Province. Lib. C *and* WH. *fol.* 296. *and Lib.* WH *and* L. *fol.* 127. *OBS.* Ditto.

CHAP. XIX.

The humble Petition of Philip Calvert, *your Lordship's Judge in Testamentary Causes, and* John Jordain, *the two Overseers of the Last Will of Lieutenant-Colonel* John Jarboe, *late deceased. Lib.* C *and* WH. *fol.* 257. *and Lib.* WH *and* L. *fol.* 97. *PR.* Ditto.
Viz. For the Confirmation of Col. *Jarboe*'s nuncupative Will.

CHAP. XX.

An Act for settling the Inheritance of the Real Estate of Robert Cadger, *as also his Personal Estate, upon the Mayor, Recorder, Aldermen, and Common Council, of the City of* St. Mary's, *and their Successors, to the* * *Uses in the said* Robert Cadger's *Will mentioned. Lib.* C *and* WH. *fol.* 274. *and Lib.* WH *and* L. *fol.* 108. *PR.* Ditto.
* *Viz.* To the Maintainance of a Protestant Ministry, from Time to Time, among the Inhabitants of *St. George*'s and *Poplar Hill* Hundred, &c.

CHAP. XXI.

An Act for Punishment of a certain Abuse committed by Henry Ward, *of* Cæcil *County, Gent. against the Right Honourable the Lord Proprietary and the Public. Lib.* C *and* WH. *fol.* 285. *and Lib.* WH. *and* L. *fol.* 117. *OBS.* Ditto.
Viz. Being a Member of the Lower House in 1674, and informing the House, that he had lost a very good Horse in the Country's Service, in the late Expedition to *Whorekills*, the Assembly allowed him 1800 lb Tobacco, in the public Levy. But it being now made evidently appear, that he lost no such Horse, and that his said Allegation was egregiously false, &c. he was by this Act fined 4000 lb Tobacco, &c.

CHAP. XXII.

An Act for the Relief of Anne Cawood, *Widow, and her Children. PR. REP.* 1678, *ch.* 16. Ditto.

Acts made at a GENERAL ASSEMBLY, held at the City of *St. Mary's*, the 20th Day of *October*, in the 3d Year of the Dominion of CHARLES, &c. *Annoq; Domini* 1678, and ended the 15th *November* following.

THOMAS NOTLEY, Esq; Governor.

CHAP. I.

Passed 15th *Novem.* 1678. *An Act for keeping Holy the Lord's Day. Lib.* C *and* WH. *fol.* 301. *Lib.* WH. *fol.* 203. *and Lib.* WH *and* L. *fol.* 132. *REP.*

CHAP. II.

Ditto. *An Act for the ordering and regulating the Militia of this Province, for the better Security and Defence thereof. Lib.* C *and* WH. *fol.* 303. *Lib.* WH. *fol.* 205. *and Lib.* WH. *and* L. *fol.* 134. *EXP.*

For 3 Years, &c. A new Act 1681. *ch.* 1.

CHAP. III.

Ditto. *An Act directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies. Lib.* C *and* WH. *fol.* 312. *Lib.* WH. *fol.* 210. *and Lib.* WH *and* L. *fol.* 140. *DISSENT.*

For 3 Years, &c. His Lordship's particular Dissent to this Act, was published by Proclamation, the 27th *June* 1681. C. O. *fol.* 184.

CHAP. IV.

Ditto. *An Act for the due Recording of all the Laws of this Province, in the Secretary's Office. Lib.* C *and* WH. *fol.* 316. *Lib.* WH. *fol.* 212. *and Lib.* WH *and* L. *fol.* 143. *REP.*

A new Act made 1692, *ch.* 11.

CHAP. V.

Ditto. *An Act regulating Ordinaries, and limiting the Number of them within this Province. Lib.* C *and* WH. *fol.* 318. *Lib.* WH. *fol.* 214. *and Lib.* WH *and* L. *fol.* 145. *EXP.*

For 3 Years, &c. Continued by several reviving Laws. An additional Act 1688, *ch.* 3. A new Act 1692, *ch.* 42.

CHAP. VI.

Ditto. *An Act for Election of Sheriffs. Lib.* C *and* WH. *fol.* 322. *Lib.* WH. *fol.* 216. *and Lib.* WH *and* L. *fol.* 147. *EXP.*

For 3 Years, &c. Continued by several reviving Acts. A new Law made 1692, *ch.* 25.

CHAP. VII.

Ditto. *An Act for the better Administration of Justice in the County Courts of this Province. Lib.* C *and* WH. *fol.* 324. *Lib.* WH. *fol.* 218. *and Lib.* WH *and* L. *fol.* 149. *EXP.*

For 3 Years, &c. Continued by several reviving Acts. A new Law, 1692, *ch.* 61.

CHAP. VIII.

Ditto. *An Act for Appeals, and regulating Writs of Error. Lib.* C *and* WH. *fol.* 325. *Lib.* WH. *fol.* 218. *and Lib.* WH *and* L. *fol.* 150.

For 3 Years, &c. Continued by several reviving Laws. A new Act 1692, *ch.* 9.

CHAP. IX.

Ditto. *An Act for limiting the County Clerks Fees within this Province. Lib.* C *and* WH. *fol.* 329. *Lib.* WH. *fol.* 220. *and Lib.* WH *and* L. *fol.* 152. *REP.*

A new Act 1692, *ch.* 54.

CHAP. X.

Ditto. *An Act for keeping a Register of Births, Marriages and Burials, in each respective County. Lib.* C *and* WH. *fol.* 331. *Lib.* WH. *fol.* 222. *and Lib.* WH *and* L. *fol.* 154.

For 3 Years, &c. Continued by several reviving Acts. A new Law 1692, *ch.* 66.

CHAP. XI.

Ditto. *An Act imposing a Penalty on all such, who shall dispose of Tobacco, seized and received by the Sheriff, and others. Lib.* C *and* WH. *fol.* 333. *Lib.* WH *fol.* 223. *and Lib.* WH *and* L. *fol.* 155. *EXP.*

For 3 Years, &c. Revived by several Acts. A new Law 1692, *ch.* 58. CHAP.

CHAP. XII.

The humble Petition of Joshua Guibert. *Lib.* C *and* WH. *fol.* 333. *Lib.* WH. *fol.* 223. *and Lib.* WH *and* L. *fol.* 156. *PR.* Passed 15th *Nov.* 1678.

Viz. For Naturalization.

CHAP. XIII.

The humble Petition of James Peane, Magdalen *his Wife*, Anne Peane *his Daughter, and* Jacob Lockerman. *Lib.* C *and* WH. *fol.* 335. *Lib.* WH. *fol.* 223. *and Lib.* WH *and* L. *fol.* 157. *PR.* Ditto.

Viz. For Naturalization.

CHAP. XIV.

The humble Petition of Mary Ward, *Executrix of the last Will and Testament of* Matthew Ward, *deceased. Lib.* C *and* WH. *fol.* 337. *Lib.* WH. *fol.* 223. *and Lib.* WH *and* L. *fol.* 159. *PR.* Ditto.

Viz. For Confirmation of her late Husband's Purchase of a Plantation on the South Side of *Patuxent*, called, *The Further Neck.*

CHAP. XV.

An Act for reviving and confirming certain Laws of this Province. Lib. C *and* WH. *fol.* 339. *Lib.* WH. *fol.* 223. *and Lib.* WH *and* L. *fol.* 160. *REP.* 1681, *ch.* 12. Ditto.

Viz. The Acts of 1661, *ch.* 2, 3, and 5. 1662, *ch.* 1. 1663-4, *ch.* 1, 2, and 4. 1666, *ch.* 1, and 4. 1669, *ch.* 2, 3, 5, 7, and 8. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 26. 1674, *ch.* 3, 4, 5, 6, 7, 9, 10, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 9, 13, 14, 16, and 17, are hereby continued 3 Years, *&c.*

CHAP. XVI.

An Act for Repeal of certain Laws. Lib. C *and* WH. *fol.* 343. *Lib.* WH. *fol.* 226. *and Lib.* WH *and* L. *fol.* 164. Ditto.

Viz. 1646, *ch.* 2. 1647, *ch.* 5. 1649, *ch.* 5, 7, and 33. 1650, *ch.* 27. 1661, *ch.* 11. 1662, *ch.* 3. 1663-4, *ch.* 5 and 6. 1666, *ch.* 10. 1674, *ch.* 22. 1676, *ch.* 1, 8, 10, 12, 15 and 22.

Memorandum. His Lordship, on the last Day of the Assembly, *Anno* 1681, declared his Dissent to that Part of this Act, which repeals the Act of 1650, *ch.* 27.

CHAP. XVII.

An Act for Payment and Assessing the public Charge of this Province. Lib. C *and* WH. *fol.* 345. *Lib.* WH. *fol.* 226. *and Lib.* WH *and* L. *fol.* 165. *OBS.* Ditto.

CHAP. XVIII.

An Act for Punishment of Edward Husbands, *for Menacing and Cursing this Assembly*, &c. *Lib.* C *and* WH. *fol.* 365. *Lib.* WH. *fol.* 238. *and Lib.* WH *and* L. *fol.* 181. *OBS.* Ditto.

N. B. This *Edward Husbands*, being charged with an Attempt to poison the Governor, and the Upper and Lower Houses of this Assembly, was by this Act utterly disabled, and made incapable of ever practising in his Profession as a Physician or Chirurgeon within this Province, under Penalty of 200 *l.* Sterling, for every Time he should presume to practice as aforesaid; and also to be bound over to the next Provincial Court, to answer the Premises, and in the mean Time to be of good Behaviour, *&c.* And for his Menacing and Cursing the Assembly, to receive 20 Lashes on the bare Back, by the Hands of the common Hangman, *&c.*

Memorandum. His Lordship's Proclamation of Dissent to all and every Act and Acts of Assembly, made in this Year, such only excepted as his Lordship (since his Arrival here) by his Assent in a General Assembly, had continued, confirmed, or revived, which are also to stand continued or revived to all Intents, *&c.* is dated the 5th *May* 1684. C. O. *fol.* 101.

Acts made at a GENERAL ASSEMBLY, begun and held at the City of *St. Mary*'s, on the 16th Day of *August*, in the 6th Year of the Dominion of CHARLES, *&c. Annoq; Domini* 1681, and ended the 17th *September* following. 1681.

His LORDSHIP in PERSON.

CHAP. I.

An Act for the ordering and regulating the Militia of this Province, for the better Security and Defence thereof. Lib. WH. *fol.* 160. *EXP.* Passed 17th *Sept.* 1681.

To continue in Force 3 Years, or to the End of the next General Assembly. Revived and continued 1682, *ch.* 8 and 12. 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2. A new Law made 1692, *ch.* 83.

CHAP.

CHAP. II.

Passed 17th Sept. 1681. *An Act for the better Administration of Justice, in Probats of Wills, Granting Administrations, Recovery of Legacies, and securing Filial Portions. Lib.* WH. *fol.* 167. *EXP.*

To be in Force 3 Years, &c. Continued 1682, *ch.* 8 and 12. 1684, *ch.* 6. 1686, *ch.* 3. and 1688, *ch.* 2. A new Law 1692, *ch.* 3.

CHAP. III.

Ditto. *An Act for more speedy bringing to Trial, and suppressing Criminals, and limiting their Punishments for certain Offences, when prosecuted in the County Courts. Lib.* WH. *fol.* 172. *EXP.*

To be in Force 3 Years, &c. Continued 1682, *ch.* 8 and 12. 1684, *ch.* 6. 1686, *ch.* 3. and 1688, *ch.* 2. A new Law 1692, *ch.* 34.

CHAP. IV.

Ditto. *An Act concerning Negroes and Slaves. Lib.* WH. *fol.* 174. *REP.*

This Act repeals 1663-4, *ch.* 6. A new Law 1692, *ch.* 79.

CHAP. V.

Ditto. *An Act for preventing vexatious and unnecessary Suits at Law. Lib.* WH. *fol.* 175. *EXP.*

To be in Force 3 Years, &c. Continued 1682, *ch.* 8 and 12. 1684, *ch.* 6. 1686, *ch.* 3. and 1688, *ch.* 2. A new Law 1692, *ch.* 67.

CHAP. VI.

Ditto. *An Act for restraining the Exportation of Leather and raw Hides, Deer and Elk Skins, out of this Province, for the Encouragement of Tanners and Shoemakers. Lib.* WH. *fol.* 176. *EXP.*

To be in Force 3 Years, &c. Continued 1682, *ch.* 8 and 12. 1684, *ch.* 6. 1686, *ch.* 3. and 1688, *ch.* 2. A new Law 1692, *ch.* 46.

CHAP. VII.

Ditto. *An Act for Payment and Assessing the public Charges of this Province. Lib.* WH. *fol.* 178. *OBS.*

CHAP. VIII.

Ditto. *An Act for reviving of certain Laws within this Province. Lib.* WH. *fol.* 183. *REP.* 1681, *ch.* 12.

CHAP. IX.

Ditto. *An Act for Naturalization of* Peter Fowcate, *and* Cornelius Boys. *Lib.* WH. *fol.* 185. *PR.*

CHAP. X.

Ditto. *An Act for Naturalization of* Peter Oldson, *and* Lewis Blaney. *Lib.* WH. *fol.* 185. *PR.*

Acts made at a GENERAL ASSEMBLY, begun and held at the City of *St. Mary's*, on the 1st *November*, in the 6th Year of the Dominion of CHARLES, &c. *Anno Domini* 1681, and ended the 12th Day of the same Month.

His LORDSHIP in PERSON.

CHAP. XI.

Passed 12th Nov. 1681. *An Act for reviving the Temporary Laws of this Province. Lib.* WH. *fol.* 185. *EXP.*

For 3 Years, or to the End of the next Session of Assembly. *N. B.* By this Act were revived and continued the following Laws, *viz.* 1661, *ch.* 2, 3, and 5. 1662, *ch.* 1. 1663-4, *ch.* 1, 2, 4, and 17. 1666, *ch.* 1, and 4. 1669, *ch.* 2, 3, 5, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 6, 7, 9, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 9, 13, 14, 16, and 17. 1678, *ch.* 5, 6, 7, 8, 10, and 11.

CHAP. XII.

Ditto. *An Act for the Repeal of certain Laws. Lib.* WH. *fol.* 188.

Viz. 1678, *ch.* 15, and 1681, *ch.* 8.

CHAP.

CHAP. XIII.

An Act for Payment and Assessment of the public Charge of this Province. *Lib.* WH. *fol.* 188. *OBS.* Passed 12th *Nov.* 1681.

CHAP. XIV.

An Act against Ingrossers and Regrators. *Lib.* WH. *fol.* 192. *EXP.* Ditto.
To be in Force 3 Years, &c. Continued 1682, *ch.* 8, and 12. 1684, *ch.* 6. 1686, *ch.* 3. And 1688, *ch.* 2. A new Law 1692, *ch.* 64.

CHAP. XV.

An Act for the Relief of Jacob Leister, *of* New-York, *Merchant.* *Lib.* WH. *fol.* 193. *PR.* Ditto.

CHAP. XVI.

A Supplementary Act to the * *Act for Limitation of Officers Fees.* *Lib.* WH. *fol.* 194. *REP.* Ditto.
* 1676, *ch.* 11. A new Act for Fees, 1692, *ch.* 53.

CHAP. XVII.

An Act for confirming the Title of a Parcel of Land in Calvert *County, in* Samuel Holdsworth, *and his Heirs, against* Edward Husbands, *and his Heirs, for ever.* *Lib.* WH. *fol.* 194. *PR.* Ditto.

Acts made at a Session of ASSEMBLY, begun and held at *St. Mary*'s, on the 5th Day of *April*, in the 7th Year of the Dominion of CHARLES, &c. *Annoq; Domini* 1682, and ended the 13th Day of *May* following. 1682.

His LORDSHIP in PERSON.

CHAP. I.

An Act for Encouragement of Tillage and raising Provisions, for the Advancement of Trade within this Province. *Lib.* WH. *fol.* 239. *EXP.* Passed 13th *May* 1682.
To be in Force 3 Years, or to the End of the next Session. Continued 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2. An additional Act made 1688, *ch.* 5. A new Law 1692, *ch.* 68.

CHAP. II.

An Act limiting the Expences of the Commissioners of the County Courts of this Province. *Lib.* WH. *fol.* 240. *EXP.* Ditto.
To be in Force 3 Years, &c. Continued 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2. A new Law 1692, *ch.* 18.

CHAP. III.

An Act ascertaining what Damages shall be allowed on protested Bills of Exchange. *Lib.* WH, *fol.* 241. *EXP.* Ditto.
To be in Force 3 Years, &c. Continued 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2. A new Law 1692, *ch.* 12.

CHAP. IV.

An ACT explaining * An Act concerning Port Duties, and Masters of Ships. *Lib.* WH. *fol.* 241. Ditto.
* 1661, *ch.* 7.

WHEREAS in the said Act it is, among other Things, ordained and enacted, "That all Vessels whatsoever, not properly belonging "to this Province, having a Deck flush Fore and Aft, coming "in, and Trading within this Province, shall pay, for Port Duties, or Anchorage, Half a Pound of Powder, and three Pounds of Shot, or so much "in Value, for every Ton of Burden, to the Lord Proprietary, and his "Heirs;" which Clause not sufficiently expressing the Design and Intendment of the said Act, to the great Decay and Discouragement of Navigation in this Province: For Explanation whereof, BE IT ENACTED *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and* Preamble.

CHAP. IV. Country Bottoms not to be charged with Port Duties, or anchorage, nor more Fees than 5 *s.* for entering, and 5 *s.* for clearing.

and Lower Houſes of this preſent General Aſſembly, and the Authority of the ſame, That no Veſſel or Veſſels whatſoever, properly belonging to this Province, coming in, and trading within this Province, ſhall pay, or be charged with, any Port Duties, or Anchorage whatſoever, or any Fee or Fees whatſoever, to any Perſon or Perſons whatſoever, other than Five Shillings for Entering, and Five Shillings for Clearing, at the reſpective Entries and Clearing, for each reſpective Veſſel belonging to this Province aforeſaid; any Law, Statute, Uſage or Cuſtom, to the contrary notwithſtanding.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

Paſſed 13th *May* 1682. *An Act for Encouragement of making Linen and Woollen Cloth within this Province. Lib.* WH. *fol.* 242. *EXP.*

To endure 3 Years and no longer. A new Law 1688, *ch.* 7.

CHAP. VI.

Ditto. *An Act for the Encouragement of ſowing and making Hemp and Flax within this Province. Lib.* WH. *fol.* 243. *EXP.*

To endure 3 Years and no longer. A new Law 1688, *ch.* 8.

CHAP. VII.

Ditto. *An Act for Payment and Aſſeſſing the public Charge of this Province. Lib.* WH. *fol.* 243. *OBS.*

CHAP. VIII.

Ditto. *An Act reviving the Temporary Laws of this Province. Lib.* WH. *fol.* 244. *EXP.*

Three Years, or to the End of the next Seſſion. By this Act were continued the following Laws, *viz.* 1661, *ch.* 2, 3, and 5. 1662, *ch.* 1. 1663-4, *ch.* 1, 2, 4, and 17. 1666, *ch.* 1, and 4. 1669, *ch.* 2, 3, 5, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 6, 7, 9, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 13, 14, 16, and 17. 1678, *ch.* 5, 6, 7, 8, 10, and 11. 1681, *ch.* 1, 2, 3, 5, 6, and 14.

CHAP. IX.

Ditto. *An Act for Naturalization of* Jacob Looton, *of* St. Mary's *County. Lib.* WH. *fol.* 247. *PR.*

CHAP. X.

Ditto. *An Act for Naturalization of* Matthew Errickſon, *of* Kent *County, and* Albert Johnſon, *of* Talbot *County. Lib.* WH. *fol.* 257. *PR.*

CHAP. XI.

Ditto. *An Act for Naturalization of* John Alward, *of* Charles *County. Lib.* WH. *fol.* 247. *PR.*

Acts made and paſſed at a GENERAL ASSEMBLY, begun and held at the City of *St. Mary*'s, on the 26th Day of *October*, in the 7th Year of the Dominion of CHARLES, *&c. Annoq; Domini* 1682, and ended the 17th Day of *November* following.

His LORDSHIP in PERSON.

CHAP. XII.

Paſſed 17th *Nov.* 1682. *An Act for reviving the Temporary Laws of this Province. Lib.* WH. *fol.* 195. *EXP.*

Three Years, or to the End of the next Seſſion. By this Act were continued the following Laws, *viz.* 1661, *ch.* 2, 3, and 5. 1662, *ch.* 1. 1663-4, *ch.* 1, 2, 4, and 17. 1666, *ch.* 1, and 4. 1669, *ch.* 2, 3, 5, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 7, 9, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 13, 14, 16, and 17. 1678, *ch.* 5, 6, 7, 8, 10, and 11. 1681, *ch.* 1, 2, 3, 5, 6, and 14. 1682, *ch.* 1, 2, and 3.

CHAP. XIII.

Ditto. *An Act for Payment and Aſſeſſing the public Charges of this Province. Lib.* WH. *fol.* 198. *OBS.*

CHAP.

CHAP. XIV.

An Act for Naturalization of William Blakenſtein, *of* St. Mary's *County*. *Lib.* WH. *fol.* 203. *PR.* Paſſed 17th *Nov.* 1682.

CHAP. XV.

An Act for Naturalization of Rowland Mans, *of* Baltimore *County*. *Lib.* WH. *fol.* 203. *PR.* Ditto.

At a Seſſion of ASSEMBLY, begun and holden at *The Ridge*, in *Ann-Arundel* County, on Tueſday the 2d *October*, in the 8th Year of the Dominion of CHARLES, *&c. Annoq; Domini* 1683, and ended Tueſday the 6th *November* following, were Enacted the following Laws. 1683.

His LORDSHIP in PERSON.

CHAP. I.

An Act for Naturalizing John Coſins, Peter Maiſe de Moiſne, *and* Andrew Matſon. *PR.* Paſſed 6th of *Nov.* 1683.

CHAP. II.

An Act limiting the Extent of Attachments, and providing what ſhall be levied on Attachments and Executions. Lib. WH. *fol.* 248. *EXP.* Ditto.

To endure 3 Years, or to the End of the next Seſſion, *&c.* Continued 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2. A new Law 1692, *ch.* 62.

CHAP. III.

An Act for regulating the Tares and Abuſes of Tobacco Hogsheads. Lib. WH. *fol.* 247. *EXP.* Ditto.

To endure 3 Years, or to the End of the next Seſſion, *&c.* Continued 1684, *ch.* 6. 1686, *ch.* 3, and 1688, *ch.* 2.

CHAP. IV.

An Act for Naturalizing Andrew Poulſon, *alias* Mullock, Simon Johnſon, Peter Anleton, *and* Matthias Peterſon, *and their Children. PR.* Ditto.

CHAP. V.

An Act for Advancement of Trade. Lib. WH. *fol.* 250. Ditto.

N. B. This being the firſt Attempt to eſtabliſh Towns, Ports, and Places of Trade, within this Province; and the Property gained under this and the ſupplementary, and other ſubſequent Acts to the ſame End (though repealed or diſſented to) being confirmed by the Act of 1715, *ch.* 32, the following Abſtract of it is given.

(1.) From and after the 8th *Auguſt* 1685, the Towns, Ports and Places hereafter mentioned, ſhall be the Ports and Places where all Ships and Veſſels, trading into this Province, ſhall unlade, and put on Shore, and ſell, barter and traffic away, all Goods, *&c.* imported into this Province. And all Tobacco, Goods, *&c.* of the Growth, Production or Manufacture of this Province, intended to be ſold here, or exported, ſhall be for that Intent brought to the ſaid Ports and Places, *viz.*

St. Mary's County, at	The City of *St. Mary*'s. *Britton's* Bay, at *John Bailey*'s, or *Taunt*'s. The *Indian* Town. *Choptico*, his Lordſhip's Manor.
Kent County, at	*Shipping*, alias *Coxe*'s Creek. *New-Yarmouth*, in *Grey's-Inn* Creek.
Ann-Arundel County, at	The Town, at *Proctor*'s. *South River*, on Col. *Burgeſs* his Land. *Herring-Creek*, on the Town Land.
Calvert County, at	*St. Leonard*'s Creek, on *Richard Smith*'s Land. *Rolling-Point*, on his Lordſhip's Manor. * *John Bowling*'s Land, near *Gaunt*'s Land. *Warrington* on the *Clifts*, Town Land.
Charles County,	On *Digges* his Purchaſe, in *Wiccocomico* River, formerly *Fendall*'s, on the Creek. On the Church Land, on the Eaſt Side *Port-Tobacco* Creek, near the Mouth of the Creek. On *Stump-Neck*, near *Climyomixon*, on Mr. *Reddiſh* his Land.

* Diſcharged from being a Town by 1684, *ch.* 2. §. 2.

CHAP. V.

Baltimore County,
- In *Patapſco* River, near *Humphrey*'s Creek.
- On *Buſh* River, on the Town Land, near the Court-Houſe.

Talbot County,
- Near *Tredaven* Creek, at the Town Land.
- In *King*'s Creek, near the Old Town.
- In *Wye* River, Town Land there.
- At the Town Land, at the Fork in *Cheſter* River.

* See 1684, *ch.* 2. §. 3.

Somerſet County,
- * In *Wiccocomico* River, on the South Side, on the Land next above the Land of the Orphans of *Charles Ballard*.
- On the Land on the North Side of *Mudford* Creek, *viz. Smith*'s and *Glannil*'s Land.
- On *Horſey*'s Land in *Annimeſſex*.
- On *Morgan*'s Land, commonly called *Barrow*'s, towards the Head of *Pocomoke*.
- On the Land between Mr. *Jenkins*'s Plantation, and Mr. *Howard*'s Plantation, on the North Side *Pocomoke*.

Dorcheſter County,
- At *Worgan*'s Land, near to the Head of *Fiſhing* Creek, in *Little-Choptank*.
- On *Travers*'s Land, on the Weſt Side of the North-Weſt Branch of *Tranſquaquin* River.

Cæcil County,
- At Capt. *John*'s Creek, *William Price*'s Plantation, in *Elk* River.
- In *Saſſafras* River, at *William Friſby*'s Plantation, in *Worton* Creek.

(2.) Commiſſioners appointed in the ſeveral Counties, to execute the Powers given by this Act, as well for purchaſing the aforeſaid Town-Lands, *&c.* as for laying out and ſurveying the ſaid Ports, Towns, *&c.* and marking and ſtaking out the Lots, *&c.* (3.) † The Commiſſioners, or major Part of them, ſome Time before the 25th *March* 1684, to meet on the reſpective Lands, *&c.* and agree with and purchaſe of the Owners, *&c.* 100 Acres of convenient Land, and cauſe the ſame to be ſurveyed, marked and ſtaked out, and divided into convenient Streets, Lanes and Alleys, with open Places to be left for erecting Church, Chapel, Market-Houſe, or other public Buildings, and the remaining Part of the ſaid 100 Acres, to divide into 100 equal Lots, marked on Poſts towards the Streets and Lanes, with N° 1, 2, 3, *&c.* to 100, of which the Owner of the Land, to have his firſt Choice for one Lot. No Perſon to purchaſe more than one Lot, during four Months, after the 25th *March* 1684, and the Lots to be purchaſed by Inhabitants of the County only. But if not taken up by them within the ſaid four Months, then to be free to any Perſon whatſoever, to take up the ſame, paying the Owner proportionably. (4.) If the Owners refuſed, or were diſabled by legal Incapacity, to ſell, the Commiſſioners were impowered to iſſue their Warrant to the Sheriff, to ſummon a Jury to value the Lands, and the Damage by them aſſeſſed, to be paid to the Owners, by the Perſons taking up Lots, in Proportion to their Lots. (5.) The Commiſſioners were impowered to ſummon the Surveyor-General, or his Deputy, in each County, to ſurvey and lay out each 100 Acres aforeſaid, and to mark and ſtake out the ſame into 100 equal Lots, with Streets, *&c.* (6.) After ſuch Survey, Laying-out and Valuation, any Perſon making Choice of a Lot, and making Entry thereof, with the Perſon appointed by the Commiſſioners to keep the Book of Entries, and paying or giving Security for Payment of ſuch Sum, as ſhould be by Direction of the Commiſſioners, rated upon ſuch Lot, and payable to the Owner of the Land; and building on ſuch Lot one ſufficient Twenty Foot ſquare Houſe, at the leaſt, before the laſt Day of *Auguſt* 1685, each reſpective Lot to be held of the Lord Proprietary, his Heirs, *&c.* for ever, under the yearly Rent of One Penny Current Money, for each reſpective Lot; the ſame, or any other Manner of Settlement or Building thereon, according to the Directions of this Act, ſhall inveſt the ſaid Taker-up and Builder, with an Eſtate of Inheritance in the ſaid Lot, to him, his Heirs and Aſſigns for ever. And alſo, upon Tender of Payment, and Refuſal, the ſaid Building as aforeſaid, with Proof of ſuch Tender and Refuſal, ſhall be Binding to all Intents and Purpoſes, againſt the ſaid Parties ſo refuſing, their Heirs, *&c.* (7.) The Commiſſioners for each reſpective County, named in this Act, ſhall appoint a Perſon to keep a Book, wherein to enter down each Man's Choice of any reſpective Lot, *&c.* (8.) The Surveyor's Fee to be 80 ℔ Tobacco, for each Lot, to be paid by the Taker-up. (9.) In caſe the Taker-up of any Lot, ſhould refuſe or neglect to build within the Time by this Act appointed, any Perſon whatſoever, might take up the ſame, paying the Tobacco firſt ſet on ſuch Lot, to the Commiſſioners aforeſaid, of that County, or to the Perſon by them appointed to receive the ſame, for the Uſe and Benefit of the ſaid Town. Provided ſuch ſecond Taker-up, begin to build ſuch Houſe, as in this Act is limited, within one Month after ſuch his Entry, and finiſh the ſame within ſix Months: Which Houſe ſo built, ſhall give and ſettle an Eſtate of Inheritance to him, and his Heirs for ever, in the ſaid Lot. (10.) In caſe any Lots be neglected to be taken up, during five Years, from the Proclaiming of this Act, then ſhall the Owners of the Land be poſſeſſed of ſuch Lots, as in their firſt and former Eſtate. (11.) All Ships and Veſſels Trading into this Province, after the laſt Day of *Auguſt* 1685, ſhall unlade their reſpective Goods and Merchandizes at ſuch Towns, Ports and Places only, as are in this Act before ſet down and appointed, on Penalty of forfeiting all ſuch Goods and Merchandizes by them landed, at any other Places whatſoever; one Third to his Lordſhip, one Third to the Benefit of the next adjacent Town in the County where ſuch Offence ſhall be committed, and one Third to the Informer. (12.) No Merchant, Factor, Mariner, or other Perſon, trading into this Province, whether Foreigner or Inhabitant, ſhall, after the laſt Day of *Auguſt* 1685, traffic, ſell, or barter away, any Goods, *&c.* within this Province, but at ſome of the Ports, Towns, *&c.* in this Act appointed, under Penalty of forfeiting all ſuch Goods, *&c.* (13.) This Act not to reſtrain Inhabitants from paying Workmen's Wages, or buying at their own Plantations, neceſſary Proviſions for their Families, with any Goods, *&c.* bought at any the Ports, *&c.* aforeſaid, or with Goods, *&c.* by them purchaſed, imported and landed, at any the Ports, *&c.* aforeſaid. (14.) All Goods, Wares, *&c.* of the Growth, Production, or Manufacture of this Province, after the laſt of *Auguſt* 1685, to be exported, ſhall firſt be brought to ſome Port, Town, *&c.* aforeſaid, and there ſhipped and taken on board for Exportation, and not from

† See 1684, *ch.* 2. §. 4.

from any other Place or Places, on Forfeiture of the Goods, or full Value thereof, ſo tranſported, or attempted to be ſhipped, &c. out of this Province, from any other Places, &c. (15.) The Owner of any Store-Houſe, within ſuch Towns, &c. his ſaid Store-Houſe not being full, and having no Occaſion thereof, for his own proper Tobacco, &c. ſhall, on Requeſt, ſuffer the Owner of any Tobacco, brought there in Hogſheads, to put in and ſecure it, as if it were his own, in ſuch Store-Houſe, the Owner of the Tobacco paying the Owner of the Store-Houſe 10 lb Tobacco per Hogſhead; which the Store-Houſe-Keeper ſhall ſecure for 12 Months or leſs, &c. Caſualties by Fire only excepted. And any Store-Houſe-Keeper, having his Store-Houſe empty, or not ſufficiently filled, &c. wilfully refuſing to take in and ſecure Tobacco ſo brought, ſhall be liable to pay the Owner of the Tobacco all Damage, &c. ſuſtained by ſuch Refuſal. (16.) All Rents due to his Lordſhip, all public Levies, Officers Fees, &c. due on Execution, to be brought to Towns, &c. before mentioned, and ſecured as other Tobaccoes. (17.) His Lordſhip's Collectors, Receivers of the public Levies, &c. to allow 5 per Cent for the Tobaccoes ſo brought. (18.) The Sheriffs to have 5 per Cent only, for public Tobaccoes paid at the ſaid Towns, &c. but the public Creditors to pay the Storage. (19.) Inhabitants of ſuch Towns, &c. may buy, &c. any Goods, &c. whatſoever, provided they ſell them in the ſame Town where they were bought. (20.) Tobaccoes due by the laſt of *Auguſt* 1685, to be brought to ſome of the Towns, &c. at the Charge of the Creditor. (21.) No Perſons, not being Inhabitants and Taxables of this Province, ſhall, after the ſaid laſt Day of *Auguſt* 1685, lade or tranſport any Tobaccoes, Goods, &c. of this Province, in any Boat, or Veſſel, from any Plantations or Places, ſave the Towns before mentioned, to any Port of this Province, or on board any Ship, &c. on Forfeiture of ſuch Tobacco, &c. together with the Sloop, Boat, &c. or the Value thereof. (22.) For the Encouragement of Trade, and Diſpatch of Ships, &c. his Lordſhip to appoint ſome Perſon in *Wiccocomico*, *St. Mary's*, *Patuxent* and *Ann-Arundel* County, on the Weſtern Side, and in the Counties of *Talbot* and *Somerſet*, on the Eaſtern Side of this Province, to take due Entry, and clear all Ships trading into this Province, &c. (23.) Leſt the great Number of ſuch Towns, &c. may in Time become burthenſome to the Public, by increaſing the Number of Burgeſſes, &c. no Town ſhall hereafter be capable of ſending a Citizen or Citizens to any Aſſembly, till ſuch Time as the ſaid Town ſhall be actually inhabited by ſo many Families as ſhall be ſufficiently able to defray the Expences of ſuch Delegates (to be elected by the Freemen of ſuch reſpective Town, or the Majority of them) without being chargeable to their reſpective County by Reaſon thereof: But the ſaid Charge to be defrayed by the reſpective Inhabitants of the ſeveral Towns ſending ſuch Delegates. Saving to the Citizens of *St. Mary's*, the Rights of their Charter, &c. (24.) This Act not to repeal the Law againſt Ingroſſers, nor to give Liberty to any Perſon to export Goods prohibited by Law. CHAP. V.

Additional and Supplementary Acts were 1684, *ch.* 2. 1686, *ch.* 2, and 1688, *ch.* 6.

CHAP. VI.

An Act for Payment and Aſſeſſing the public Charge of this Province. OBS. Paſſed 6th of *Nov.* 1683.

At a Seſſion of ASSEMBLY, begun and held at the City of *St. Mary's*, on the 1ſt of *April*, in the 9th Year of the Dominion of CHARLES, &c. *Annoq; Domini* 1684, and ended the 26th Day of the ſame Month, the following Laws were Enacted. 1684.

His LORDSHIP in PERSON.

CHAP. I.

An Act for Payment and Aſſeſſing the public Charges of this Province. *Lib.* WH. *fol.* 258. OBS. Paſſed 26th *April* 1684.

CHAP. II.

*An Additional and Supplementary Act to the * Act for Advancement of Trade.* *Lib.* WH. *fol.* 259. Ditto. * 1683, *ch.* 5.

N. B. By this Act (1.) on Petition of ſeveral Inhabitants, &c. praying for more Ports, &c. the Towns, &c. hereafter mentioned, are added to the former, in the Original Act named, to be Ports and Places, equally with the ſaid others, for Importing and Exporting, &c. *viz.*

St. Mary's County,	At *Britton's* Neck, between *Britton's* Bay and *St. Clement's* Bay. At *Weſtwood*, on the Land of Mr. *Thomas Gerrard*, at the Head of *Wiccocomico* River.
Ann-Arundel County,	At *Weſt-River*, upon the Land of *John Hillen*, deceaſed, and the Land thereunto adjacent.
Calvert County,	At *Calvert-Town*, in *Battle* Creek. At *Pig-Point*, upon *Mount-Calvert* Manor, in *Patuxent* River.
Charles County,	At the Head of *Port-Tobacco* Creek, near the Church there. At the Mouth of *Nanjemy* Creek, at, or near, *Lewis's* Neck.
Baltimore County,	At *Middle-River*, on the Land of *Cornwallis*, or *Leakins*, or both, at the Diſcretion of the Commiſſioners.

CHAP. II.

Somerſet County, { At or near *Tipquin*, on the South Side of *Nantikoke* River. At ſome convenient Place betwixt the going into *Selby*'s Bay, and *Cornelius Jones*'s Land, in *Aſſateague* Bay, on the Sea-board Side, at the Diſcretion of the Commiſſioners.

Dorcheſter County, At *Daniel Jones*'s Plantation, on the South Side of *Great Choptank*.

Cæcil County, At the Plantation, called *John Weſt*, in *Saſſafras* River.

(2.) *John Bowling*'s Land in *Patuxent* River, in *Calvert* County, being adjudged inconvenient, is diſcharged from being a Town, and inſtead thereof, A Town appointed,

At *Cone*'s Creek, in *Patuxent* River, on the Land adjacent.

(3.) The Words in the original Act, *(next above the Land of the Orphans of* Charles Ballard, *in* Wiccocomico, *in* Somerſet *County)* being too limited, &c. the Town or Place for the River aforeſaid, ſhall be,

{ At or near a Parcel of Land, in *Wiccocomico* River, on the Land which was formerly *William Wright*'s Land.

(4.) Doubts having ariſen concerning the Words in the Original Act, *(the Commiſſioners or major Part of them,)* whereby the Intention of that Act was like to be fruſtrated; the Sheriffs of the reſpective Counties, were to give Notice to the ſeveral Commiſſioners of their Counties, to meet at *June* Court, &c. And any Commiſſioner not appearing accordingly, without ſufficient Excuſe, was to forfeit 1000 lb Tobacco, towards Payment of Chain-Carriers, &c. And the Sheriff, or his Deputy, and the Deputy-Surveyor of the County, to be preſent at ſuch general Meeting, to receive the Directions of the Commiſſioners, on Penalty of 1000 lb Tobacco to the aforeſaid Uſe. (5.) The Commiſſioners, ſo meeting, were impowered to make Rules and Orders for Performance of the Act, and to inforce the ſame by diſcretionary Fines, &c. and to ſubdivide themſelves, and appoint ſuch and ſo many to attend any of the ſaid Towns, &c. in this and the former Act recited, for the due Execution thereof. And they, or any Five of them, were authorized to appoint Days, &c. and to treat with the Owners of the Land, &c. according to theſe Acts. (6.) The Commiſſioners, ſo appointed to act in their ſeveral Diviſions, neglecting to appear accordingly, to the Hinderance of the Matters directed by theſe Acts, without reaſonable Excuſe, to forfeit 200 lb Tobacco: And the Sheriff, or Surveyor, ſo neglecting, to be fineable at the Diſcretion of the Commiſſioners, or any five of them, to the Uſes aforeſaid. (7.) The Sheriffs to execute ſuch Warrants, and empannel ſuch Juries as the Commiſſioners, &c. ſhould direct, without Fee. And the Surveyors to lay out, &c. the Lots, and make true Draughts of the Towns, &c. and deliver the ſame to be recorded, for the Fee of 30 lb Tobacco per Lot. The Commiſſioners impowered to compel Chain-Carriers, Labourers, &c. under Penalty of 200 lb Tobacco on each Perſon refuſing; Jurors ſummoned, and neglecting to appear, to forfeit 500 lb Tobacco each; and the Commiſſioners to appoint in their ſeveral Diviſions, a Clerk to keep Books of their Proceedings, and to enter the Lots. (8.) For preventing Diſputes, all Proceedings of the Commiſſioners, already had under the Act of 1683, *ch.* 2, are confirmed. (9.) This and the former Act to be a Rule to the Commiſſioners, in the ſeveral Counties, in the Purchaſing, Laying-out, &c. of the Towns, &c. herein before mentioned, which ſhall have the ſame Benefit, &c. with thoſe mentioned in the Original Act. (10.) The City of *St. Mary*'s, as it is now inhabited, together with the Land now granted by his Lordſhip for compleating 100 Lots, ſhall be the Port, Town or Place of Trade intended by the Original Act, for the City of *St. Mary*'s, notwithſtanding the ſame do comprehend more than 100 Acres. (11.) All Fines, &c. for Offences againſt this Act in the ſaid City, ſhall be one Third to his Lordſhip, one Third to the Uſe of the City, and one Third to the Informer. (12.) The Surveyor-General to appoint ſkilful Deputies in the ſeveral Counties for laying out, ſurveying and platting the ſeveral Towns, &c. on Penalty of 5000 lb Tobacco for each County ſo unſupplied, and for every Town by that Means not laid out, &c. (13.) The ſaid ſeveral Towns, &c. in both Acts mentioned, were to be purchaſed, ſurveyed, laid out in Lots, marked, ſtaked out, plotted and entered, in the ſeveral Books to be kept touching the ſame, &c. at or before the 20th Day of *September* next.

CHAP. III.

Paſſed 26th *Sept.* 1684. *An Act againſt exceſſive Uſury. Lib.* WH. *fol.* 269. *EXP.*

To endure 3 Years, or to the End of the next General Aſſembly. Continued 1686, *ch.* 3, and 1688, *ch.* 2. A new Law made 1692, *ch.* 85.

CHAP. IV.

Ditto. *An Act for recording the Journal of the Lower Houſe. Lib.* WH. *fol.* 270. *REP.*

A new Act made 1692, *ch.* 79.

CHAP. V.

Ditto. *An Act appointing Court Days, in each reſpective County, within this Province. Lib.* WH. *fol.* 270. *REP.*

A new Law made 1692, *ch.* 65.

CHAP. VI.

Ditto. *An Act for reviving the Temporary Laws of this Province. Lib.* WH. *fol.* 272. *EXP.*

For 3 Years, or to the End of the next Seſſion. *N. B.* By this Act were revived and continued the following Laws, *viz.* 1661, *ch.* 2, 3, and 5. 1663-4, *ch.* 1, 2, and 17. 1666, *ch.* 1 and 4. 1669, *ch.* 2, 3, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 7, 9, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 9, 13, 14, 16, and 17. 1678, *ch.* 5, 6, 7, 8, 10, and 11. 1681, *ch.* 1, 2, 3, 5, 6, and 14. 1682, *ch.* 1, 2, and 3. 1683, *ch.* 2 and 3.

CHAP. VII.

Ditto. *An Act for the Naturalization of* Nicholas Verbrack. *Lib.* WH. *fol.* 275. *PR.*

CHAP.

CHAP. VIII.

An Act for the Naturalization of Peter Bayard, Arnoldus de la Grange, Peter Slayter, *and* Jasper Dauntrees. *Lib.* WH. *fol.* 275. *PR.* Passed 26th *Sept.* 1684.

CHAP. IX.

An Act for the Naturalization of Jacob Seth. *Lib.* WH. *fol.* 275. *PR.* Ditto.

Acts made at a Session of ASSEMBLY, begun and held at the City of *St. Mary*'s, on Wednesday the 27th Day of *October*, in the 11th Year of the Dominion of CHARLES, *&c. Annoq; Domini* 1686, and ended the 19th *November* following. 1686.

CHAP. I.

An Act for the Payment and Assessing of the public Charges of this Province. Passed 19th *Nov.* 1686. *Lib.* WH. *fol.* 275. *OBS.*

CHAP. II.

*A further Additional Act to the * Act for the Advancement of Trade, and the † Supplementary Act to the same. Lib.* WH. *fol.* 280. Ditto.

* 1683, *ch.* 5. † 1684, *ch.* 2.

N. B. By this Act (1.) The following Towns, Ports and Places are added, and made Ports, *&c.* equal with the others by the aforesaid Acts appointed, where Ships and Vessels may unlade, *&c.* all Goods imported; and where all Tobaccoes, *&c.* may be sold or transported out of this Province, *viz.*

St. Mary's County, At *Pile*'s Fresh, on both Sides of the said Fresh, on the Land of Mr. *Joseph Pile*, and *Thomas Simpson*.

Kent County, At *Swan* Creek, on the Plantation and Land of *William Stanley*, to be called *Milford Town*.

Calvert County, At *Harvey-Town*, and the Land adjacent there.

Charles County, At *Lower Cedar Point*, in *Pickawaxen* Hundred, on, or near, the Land late of Mr. *James Tire*, deceased.
At *Dangey*'s Point, in *Mattaweman*, or *St. Thomas*'s Creek.

Baltimore County, In *Sposuty* Creek, on the Land formerly Mr. *John Collet*'s, now in Possession of Mr. *John Mold*, and the Lands adjacent.
In *Gunpowder* River, upon the Point commonly called *Westbury*'s Point.

Talbot County, At, or near, the *Court-House*, upon the Land of *James Downes*, and the Lands adjacent, to be called *York*.

Somerset County, At *Snow-Hill*, on the Land formerly belonging to *Henry Bishop*, and left to *Anne Bishop* his Widow.
On *Arnold Erzye*'s Land, and the Land adjacent at *Oyster-Neck*, at the Mouth of *Monokin*.

And all People that have already built upon the Land, called *Snow-Hill*, shall enjoy the Lots as fully, firmly, *&c.* as any other Builders upon Lots in any other Towns, paying for the same as others do.

Dorchester County, In *Little Choptank* River, at *Nicholas Mazey*'s Point, to be called *Islington*.
On *Hunger* River, on the East Side of the said River, on *Andrew Justey*'s Neck, to be called *Bristol*.

Cæcil County, In *Elke* River, at a Place called *Cæcil-Town*, at the Mouth of *Bohemia* River.

(2.) The Commissioners nominated in the Act of 1683, or any five of them, are impowered not only to purchase, survey and lay out the Lots, *&c.* but to do and perform all other Things relative to the new Towns herein mentioned, as they were impowered by the two former Acts to do, in relation to the Towns therein mentioned. (3.) The said respective Commissioners to meet on the said respective Lands, some Time before the 25th *March* next, and cause 100 Acres to be laid out, *&c.* according to the Directions of the aforesaid Acts. (4.) The Taking-up of Lots, and complying with the Rules and Directions of the aforesaid Acts, and building thereon accordingly before the last Day of *August* 1688, shall invest the Takers-up with a like Estate in their respective Lots, in the same Manner as Lots are held under the said Acts. (5.) A Method is prescribed, for the Convenience of the Inhabitants, of transporting their Tobaccoes, by Entry with, and Certificate of, the Officer at the several Towns, till the last Day of *August* 1688. (6.) Persons bringing Tobacco, or other Goods, to such Towns (if the Officer cannot number the Hogsheads, *&c.* in the Sloop, without taking some Part out) shall unlade so much as will bring the rest to his View. (7.) The Officer's Fee for Entry and Certificate to be 3 *d.* Sterling, or 3 ℔ Tobacco per Hogshead or Cask, *&c.* (8.) After the last Day of *October* 1688, all Inhabitants only of this Province, shall convey all Tobaccoes, and other Commodities of the Growth, *&c.* of this Province, intended to be exported, to some Port or Place authorized for a Town, (except hereafter excepted) and put the same into the Houses or Stores for that Purpose

CHAP. II.

pose built, in order there to be sold, and from thence only shipped, &c. and all Persons shipping or conveying any Tobacco, or other Goods, &c. out of this Province, by any Ways or Means whatsoever, without first having landed and housed the same, in some Port or Town appointed for Trade, and taking Certificate thereof from the Officer, shall forfeit 40 s. for every Hogshead, &c. (9.) No Stilyards to be used in the said Towns for weighing Tobaccoes, &c. weighing above 100 lb; but the several County Courts to procure, at the County Charge, a Set of Scales and Weights, &c. for each Town, to be kept by the Officer, whose Fee to be 1 d. Sterling, or 1 lb Tobacco for each Draught. (10.) Any of the Commissioners who should happen to live so remote, that they, or any five of them, could not conveniently meet at the said Towns, were in such Case, impowered to nominate others, who should have the same Power. (11.) Pipe Staves and Lumber, not to be housed in the Town-Houses as Tobaccoes, &c. but only unladen and landed, and Certificate thereof given, as aforesaid. (12.) All Lots, not taken up within five Years, from the Commencement of the Act of 1683, shall revert to the Owners of the Land, &c. but shall, notwithstanding, be deemed Town Lands, and enjoy the same Privileges with other Lots, &c. Provided nevertheless, that such Owners of Un-taken-up Lots, at any Time, within five Years, after the Expiration of the above mentioned five Years, on Tender of double the Value of the first Purchase of a Lot in such Town, and the Charges of the first Taking-up of the same, shall accept the same in full Satisfaction for such Lot, and shall thereupon, at the Charges of such Taker-up, make good and sufficient Assurance to him and his Heirs. And upon Refusal thereof, the Person so tendering, and his Heirs, shall from thenceforth be invested, &c. in the same Lot, as if he had taken up in due Time: Such Taker-up still following the Directions in building, or otherwise, of this and the former Acts. (13.) The several Towns hereafter mentioned, and by the former Acts made Places, &c. for Trade, being now by Experience found no Ways fitting or convenient, *viz.*

Somerset County,	The Town on *Morgan*'s Land, formerly called *Barrow*'s, towards the Head of *Pocomoke*.
Dorchester County,	On *Worgan*'s Land, near the Head of *Fishing* Creek, in *Little Choptank*.
Baltimore County,	In *Middle* River, on the Land of *Cornwallis*, or *Leakins*.
Charles County,	On *Stump-Neck*, near *Chingemixen*, on the Lands of the late Mr. *Reddish*,

are hereby declared to be annulled and untowned, and for ever after to be and remain to the former respective Owners, &c. (14.) The two former Acts, (in all Points not altered by the present Act) to remain in full Force. (15.) All Tobaccoes, and other Commodities of this Province, brought to the several Ports, &c. for Sale or Exportation, to be weighed by the Town Scales only, and not otherwise, on Penalty of 10 s. per Hogshead, &c.

CHAP. III.

Passed 19th *Nov.* 1686. *An Act for reviving the Temporary Laws of this Province.* *Lib.* WH. *fol.* 288. *EXP.*

To be in Force 3 Years, or to the End of the next Assembly. By this Act were revived and continued the following Laws, *viz.* 1661, *ch.* 2, 3, and 5. 1663-4, *ch.* 1 and 2. 1666, *ch.* 1 and 4. 1669, *ch.* 2, 3, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 7, 9, 13, and 26. 1678, *ch.* 5, 7, 8, 10, and 11. 1681, *ch.* 1, 2, 3, 5, and 14. 1682, *ch.* 1, 2, and 3. 1683, *ch.* 2 and 3. And 1684, *ch.* 3.

CHAP. IV.

Ditto. *An Act for the Advancement of Coins.* *Lib.* WH. *fol.* 292. *EXP.*

To endure 3 Years, or to the End of the next General Assembly. *N. B.* This Act sets forth in the Preamble, the great Want of ready Money, whereby the Trade of the Province, and Settlement of Handicrafts and Tradesmen therein was much impeded, and enacts (1.) That *New-England* Shillings and Sixpences, shall pass as Sterling, (*viz.* at the Advance of 3 *d.* in each Shilling) *French* Crowns, Pieces of Eight, and Rix-Dollars, to pass at 6 *s.* Ducatoons at 7 *s.* 6 *d.* and all other Coins of Silver or Gold, foreign or not foreign (except base Coin) to be taken and received with the Advance of 3 *d.* Sterling, in the Value of 12 *d.* Sterling. (2.) All such Coins so advanced, to be received in all Payments contracted for in ready Money, or the Persons refusing so to accept thereof, to lose such Debt, never to be recovered in any Court, &c. (3.) Persons exporting such Coins so advanced, to forfeit the same, Half to his Lordship, and Half to the Informer. (4.) This Act not to affect his Lordship's Rents, &c. nor extend to protested Bills of Exchange. (5.) Officers Fees, and Ordinary Keepers Accommodations, to be payable in such Coin so advanced, at the Rate of 6 *s.* for every 100 lb Tobacco, if tendered in ready Money; otherwise to be paid in Tobacco, as usual before this Act, &c. A new Act, 1692, *ch.* 44.

CHAP. V.

Ditto. *An Act for Naturalization of* Derrick Browne. *Lib.* WH. *fol.* 294. *PR.*

CHAP. VI.

Ditto. *An Act for Naturalization of* Paul * Berté, *and* Mary *his Wife.* *Lib.* WH. *fol.* 294. *PR.*

* *Barteaud*, in the Journal.

Acts

Acts made at a Seſſion of ASSEMBLY, begun and held at the City of *St. Mary*'s, on the 14th Day of *November*, in the 13th Year of the Dominion of CHARLES, *&c. Annoq; Domini* 1688, and ended the 8th Day of *December* following.

CHAP. I.

An Act for a perpetual Commemoration and Thankſgiving, every 10th Day of June, *for the Birth of the Prince. Lib.* WH. *fol.* 295. *REP.* Paſſed 8th of *Dec.* 1688.

CHAP. II.

An Act for reviving the Temporary Laws of this Province. Lib. WH. *fol.* 295. *EXP.* Ditto.

Three Years, or to the End of the next General Aſſembly. *N. B.* By this Act the ſeveral Laws following were revived and continued, *viz.* 1661, *ch.* 3 and 5. 1663-4, *ch.* 1 and 2. 1666, *ch.* 1 and 4. 1669, *ch.* 2, 3, and 7. 1671, *ch.* 4, 7, 8, 9, 23, 25, and 30. 1674, *ch.* 3, 4, 5, 7, 9, 13, and 26. 1676, *ch.* 4, 5, 6, 7, 9, 13, 14, 16, and 17. 1678, *ch.* 5, 7, 8, 10, and 11. 1681, *ch.* 1, 2, 3, 5, and 14. 1682, *ch.* 1, 2, and 3. 1683, *ch.* 2 and 3. 1684, *ch.* 3. And 1686, *ch.* 4.

CHAP. III.

*An Additional Act to the * Act for regulating Ordinaries, and limiting the Number of them within this Province. Lib.* WH. *fol.* 298. *EXP.* Ditto.

* 1678, *ch.* 5. The preſent Act to continue 3 Years, or to the End of the next General Aſſembly. A new Act which gave the Licence-Money to the Governor, was made 1692, *ch.* 42.

CHAP. IV.

An Act for Preſervation of Orphans real Eſtates. Lib. WH. *fol.* 299. *REP.* Ditto.

A new Act 1692, *ch.* 47.

CHAP. V.

An Additional Act to the † Act for Encouragement of Tillage, and raiſing Proviſions, for Advancement of Trade within this Province. Lib. WH. *fol.* 302. *EXP.* Ditto.

† 1682, *ch.* 1. The preſent Act to endure 3 Years, or to the End of the next General Aſſembly. A new Law, including both Acts, was made 1692, *ch.* 68.

CHAP. VI.

An Act for erecting ſome new neceſſary Towns. Lib. WH. *fol.* 302. Ditto.

N. B. By this Act the following Towns, *&c.* were erected, *viz.*

St. Mary's County,
- One Hundred Acres of Land, on the North Side of *Wiccocomico* River, between *White-Point* and *Bluff-Point*, upon the Land of Mr. *Gerrard Slye*, to be called *Wiccocomico-Town*.
- At the Head of *St. Jerome*'s Creek, on the Land of Mr. *William Gwither*, to be called *St. Jerome's-Town*.

Kent County,
- One Hundred Acres, on *Cackaway-Point*, in *Cackaway* Bay, being formerly the Land of *Toby Wells*, to be called *Gloceſter-Town*.

Calvert County,
- On the South Side of *Patuxent* River, between *Abbington*'s Creek and *Joſeph Edloes*, to be called *St. Joſeph's-Town*.
- At *Bowling*'s Point, in the Freſhes of *Patuxent*, to be called *Bowlington*.

Dorcheſter County,
- Upon a Tract of Land called *Morgan*, near the Head of *Fiſhing* Creek, in *Little Choptank*, to be called *Dorcheſter*.

Talbot County,
- On the North Side of *Corſica* Creek, at a Place called *Gleven*'s Point, to be called *Talbot-Town*;

The which ſeveral Towns, Ports, and Places of Trade, to be under ſuch Reſtrictions and Limitations, and alſo to enjoy the full Benefit, *&c.* of any other Towns, *&c.* by the ſeveral Acts for the Advancement of Trade, *&c.*

CHAP. VII.

An Act for the Encouragement of making Linen and Woollen Cloth within this Province. Lib. WH. *fol.* 303. *EXP.* Ditto.

To be in Force 7 Years from the 25th *December* 1688.

CHAP. VIII.

An Act for the Encouragement of ſowing and making Flax and Hemp within this Province. Lib. WH. *fol.* 306. *EXP.* Ditto.

To continue 7 Years from the 25th *December* 1688.

CHAP. IX.

An Act againſt the Exportation of Wool and old Iron. Lib. WH. *fol.* 307. *EXP.* Ditto.

Three Years, or to the End of the next Aſſembly. A new Act 1692, *ch.* 45.

CHAP.

CHAP. X.

Passed 8th *Dec.* 1688. *An Act for repairing the State-House. Lib.* WH. *fol.* 308. *OBS.*

CHAP. XI.

Ditto. *An Act for Payment and Aſſeſſing of the public Charge of this Province. Lib.* WH. *fol.* 310. *OBS.*

N. B. On the 23d *Auguſt* 1689, the CONVENTION met at *St. Mary's*, by Virtue of Letters miſſive, *from the ſeveral Commanders, Officers, and Gentlemen aſſociated in Arms, for the Defence of the* Proteſtant *Religion, and aſſerting the Right and Title of their preſent Majeſties, King* William *and Queen* Mary, *to this Province, as to all other the* Engliſh *Dominions and Territories*; and made choice of Mr. *Kenelm Cheſeldine* for their Speaker. In which *Convention* it was Voted and Ordered (on the 2d *September*) "That the Temporary Laws of this Province do ſtand and continue revived for "3 Years from their Commencement, or otherwiſe *in Statu quo prius*, as if this Aſſembly had not "been."

On the 29th *September* 1690, the *Convention* met again, and appointed Col. *Geo. Rabotham* their Speaker, or Chairman.

They publiſhed an Ordinance or Proclamation, on the 6th *October*, prohibiting the Exportation of *Indian* Corn, until the 10th *July* following.

The ſame Day was read a Draught for the Repeal of three Acts, *viz.* 1688, Chapters 5, 7, and 8; but was rejected, *as not within the Cognizance of that Houſe.*

The *Convention* being met on the 9th *April* 1692, his Excellency *Lyonel Copley*, Eſq; produced, and cauſed to be read, his Commiſſion for the Government of this Province, and on the ſame Day, in his Majeſty's Name, Diſſolved the ſame.

1692. At an ASSEMBLY, held at the City of *St. Mary's*, on the 10th Day of *May*, *Anno Domini* 1692, and and in the 4th Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King and Queen, *&c.* and ended the 9th Day of *June* following; Theſe * Acts following were made.

LYONEL COPLEY, Eſq; Governor.

* The Laws of this Seſſion, being the firſt which was regularly held in this Province, after the Government was ſeized into the Hands of the Crown, at the Revolution, are recorded at large, in the Order they are here inſerted, in a Book marked LL, in the Secretary's Office, which was tranſmitted from *England*, and copied from the original Laws there, as appears by the Certificate of Sir *Thomas Lawrence*, Baronet, then Secretary of the Province, at the End thereof, in the following Words:

"MEMORANDUM,
"That all theſe Laws, contained in this Book, being Fourſcore and four in Number, and "written in 249 Pages, were copied out at the Plantation Office in *Whitehall*, from the Origi-"nal Laws, then in the Cuſtody of the Hon. *William Blathwait*, and *John Povey*, Eſquires, "and were carefully examined by me at *Whitehall* in the Month of *December* 1695. Witneſs "my Hand, THOMAS LAWRENCE."

This Book compoſed the Body of Laws for the Province at the End of this Seſſion, as all former ones (except ſuch as related to private Rights and Property) were repealed by *ch.* 84.

Theſe Laws are likewiſe recorded, but in a different Order, in *Lib.* L, bound up together with, and after, *Lib.* WH, remaining in the Secretary's Office, which for Diſtinction ſake I have marked [*Lib.* WH *and* L*.] to ſhew that the Laws ſo diſtinguiſhed, muſt be ſought for in the 2d Series of Folioes in that Book. And ſuch of theſe Laws as were continued in Force, by the Act of 1699, *ch.* 46, are likewiſe recorded in *Lib.* LL, N° 2, begun in the Year 1699, and intended for the Body of Provincial Laws to that Period; ſo that the References are here made to the ſeveral Books before mentioned.

The Enacting Stile of this Seſſion (and which continued the ſame, *mutatis mutandis*, during the Reign of his Majeſty K. *William*) is, "*Be it Enacted by the King and Queen's moſt excellent* "*Majeſties, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the* "*ſame.*"

Each

Each Act is sub-signed by the Clerks of both Houses (according to the Dates when it passed either House) in Manner following, *viz.*

" *June* 4th, 1692.
" Assented to by the Council Board.
" *Signed per Order.*
" JOHN LLEWELLIN, *Clerk.*

" *June* 2d, 1692.
The House of Assembly have Assented.
Signed by Order,
HEN. DENTON, *Clerk.*

At the Conclusion of the Whole, or End of the last Act:

" *June* 5th, 1692.
" On Behalf of their Majesties King *William* and Queen *Mary*, &c.
" I WILL THESE BE LAWS.
" *L. COPLEY.*"

CHAP. I.

An Act of Recognition. Lib. LL. *fol.* 1. *Lib.* WH *and* L*. *fol.* 1. *and Lib.* LL. N° 2. *fol.* 2. Passed 9th of *June* 1692.

Viz. That their Majesties were, and of Right ought to be, by the Laws of the Realm of *England*, our Sovereign Liege Lord and Lady, King and Queen of *England*, *Scotland*, *France*, and *Ireland*, and the Dominions thereunto belonging, in and to whose Princely Persons, the Royal Estate, Crown and Dignity of the said Realms, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Jurisdictions and Authorities, to the same belonging and appertaining, were most rightfully and intirely invested, and incorporated, and annexed.

CHAP. II.

An Act for the Service of Almighty GOD, and the Establishment of the Protestant Religion in this Province. Lib. LL. *fol.* 1. *Lib.* WH *and* L*. *fol.* 1. *and Lib.* LL. N° 2. *fol.* 2. *REP.* 1696, *ch.* 18. Ditto.

Church of England

N. B. This Act laid the first Foundation for the Establishment of the *Protestant* Religion in this Province, and contains many notable Particulars, relating to parochial Rights obtained under it: And enacted (1.) That the Church of *England*, within this Province, shall have and enjoy all her Rights, Liberties and Franchises, wholly inviolable, as now is, or hereafter shall be, established by Law: And also, that the Great Charter of *England* be kept and observed in all Points. (2.) Sabbath-breaking to be punished by a Fine of 100lb Tobacco, to the Use of the Poor of the Parish, City, or Borough, where such Offences shall be committed: And Ordinary Keepers selling Liquor on the Lord's-Day (Cases of Necessity excepted) or permitting Tippling, Drunkenness, Gaming, *&c.* to forfeit 2000lb Tobacco, one Half to the Support of Government, the other Half to the Informer. (3.) The County Justices to meet, by Appointment, at their respective County Court-Houses, giving Notice to the principal Free-holders to attend them, some Time before the 1st *September* next, and there, with the Advice of the said principal Freeholders, lay out their several Counties into Parishes, and the same cause to be laid out by Metes and Bounds, and fair Certificates of each Parish, with the most evident and demonstrable Bounds of the same, return to the next County Court, to be entered upon Record, and a fair Copy thereof, under Hand and Seal of the County Clerk, to be transmitted to the Governor and Council, to be kept on Record on the Council Books. (4.) The several Parishes being thus limited, the Freeholders of each Parish to meet, by Appointment of the Justices of the County Courts, and make Choice of Six Vestry-men, who shall have a Clerk to take Accounts, *&c.* and with the first Tobaccoes, Wares, Goods, *&c.* by this Act, or any other Ways or Means whatsoever, given, granted, raised or allowed to the Use of the Church, or Ministry of the said Parish to which they belong, shall erect and build one Church, *&c.* in the Parish (such Parishes as have already Churches and Chapels built in them excepted) and keep a Record, how, and in what Manner, they shall execute and perform the several Trusts in this Act reposed in them: And shall procure yearly, from the Constables in each Hundred, a true List of all the Taxables within their Parish, and cause the same yearly to be Recorded among their Proceedings, the better to enable them to know what Sums of Tobacco to demand of the Sheriff, *&c. viz.* (5.) Forty per Poll, deducting 5 per Cent, for the Sheriff's Salary, on all Taxables; which Tobacco so raised (after building a Church or Chapel within each Parish) to be appropriated and applied by the Vestrymen, to the Use and Benefit of the Minister. But if no Minister be Inducted, then to be laid out for the necessary Reparation of the Churches, or other pious Uses, at the Discretion of the Vestry. (6.) The Vestry were impowered to take Possession of any Bequests, Grants, *&c.* by any Persons piously inclined, either by their Last Wills and Testaments, or by Deed executed in their Life-time, for the Use and Benefit of any Minister or Ministers, or to the Ministry or Poor of any Parish, and apply the same to the Use and Intent of the Donor or Donors. (7.) The Vestries impowered to prosecute and maintain any Actions whatsoever, real, personal or mixed, for the Recovery of all or any of the Premises aforesaid, from any Persons detaining any Goods or Chattels, Tenements or Hereditaments given and granted, and otherwise appointed to the Uses aforesaid, and for any Damages, Trespasses, *&c.* as amply as a Body Politic, or Corporate, might or could do, for recovering and preserving the Premises aforesaid: The principal Vestryman, with other the Vestry-men, to be mentioned in the Writ and Declaration, and other Proceedings. (8.) On Death or Removal of any Vestry-man, the other Vestry-men, at their next Meeting, were impowered to chuse another in his Room, *&c.*

CHAP. III.

An Act for the better Administration of Justice in Probat of Wills, Granting Administrations, Recovering of Legacies, and securing filial Portions. Lib. LL. *fol.* 10. *and Lib.* WH *and* L*. *fol.* 51. *REP.* Ditto.

An Additional Act was made 1695, *ch.* 4. and a new Law 1699, *ch.* 41.

CHAP. IV.

Passed 9th of *June* 1692. *An Act for Settlement of an annual Revenue upon their Majesty's Governor within this Province, for the Time being.* *Lib.* LL. *fol.* 21. *Lib.* WH *and* L*. *fol.* 117. *and Lib.* LL. N° 2. *fol.* 30. *REP.*

N. B. The new Act of 1704, *ch.* 42, is (*mutatis mutandis*) copied from this Act. The material Differences, and which seem to be chiefly owing to the Fault of the Transcribers, or Ingrossers of the Bill, are pointed out in the Note upon that Act. See a Supplementary Act below, *ch.* 7.

CHAP. V.

Ditto. *An Act against Divulgers of false News.* *Lib.* LL. *fol.* 24. *and Lib.* WH *and* L*. *fol.* 140. *REP.*

CHAP. VI.

Ditto. *An Act for Naturalization.* *Lib.* LL. *fol.* 46. *and Lib.* WH *and* L*. *fol.* 141. *EXP.*

N. B. By this Act, the present Governor, during the Time of his continuing Governor, was enabled to declare (by a Public Instrument under the Great Seal) any Aliens already settled, or hereafter coming to settle within the Province, having taken the Oath of Allegiance before him, to be to all Intents and Purposes, fully and compleatly Naturalized. The Governor to have a Fee of 3*l.* and 10*s.* to the Clerk for drawing the Patent.

CHAP. VII.

Ditto. *A Supplementary Act to the * Act for Settlement of an annual Revenue upon their Majesty's Governor, within this Province, for the Time being.* *Lib.* LL. *fol.* 27. *and Lib.* WH *and* L*. *fol.* 142. *EXP.*

* *Ch.* 4, above. This Act gave 3*d.* per Hogshead on all Tobaccoes exported, for 3 Years certain.

CHAP. VIII.

Ditto. An ACT for securing the Rights of several Persons. *Lib.* LL. *fol.* 28. *Lib.* WH *and* L*. *fol.* 12. *and Lib.* LL. N° 2. *fol.* 6. *PR.*

Preamble. WHEREAS many and frequent Complaints have been made, by divers good People of this Province, who of late Years have procured, of the Lord Proprietary of this Province, Warrants for the Laying out and Taking up several Quantities of Land within the same, and have passed their Bond to his Lordship, according to his late Conditions of Plantations for the same: And by Virtue of their Warrants, the several Surveyors of this Province had, before the Revolution of Affairs within the same, surveyed and laid out, pursuant to the said Warrants, several Tracts and Parcels of Land for them or to their Assigns; and either had returned the Certificate of the same unto the Examiner, or had it in their Hands ready to return, before the Revolution as aforesaid. But the same Certificate either not arrived in the Land-Office of this Province, or if the same was, no Patents as yet for the same granted; and his Lordship having shut up the Land-Office of this Province, and no Person being qualified to grant Patents for the same; they, and others in the like Condition, are in great Danger of losing the Benefit and Estate of and in their said Lands so laid out and surveyed as aforesaid: In tender Consideration whereof, and for the Prevention of such Evils and Inconveniences within this Province, your Majesty's most dutiful and loyal Subjects, the Burgesses and Delegates of this present General Assembly, on the Behalf of the good People of this Province, do humbly pray that it may be Enacted: And,

Lands surveyed by any lawful Surveyor within, &c. and not yet Patented, shall on Proof thereof, &c. be held by the Person to whom such Warrants were granted.

II. **Be it Enacted** *by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same,* That any Person or Persons whatsoever, being free Denizens and Subjects to the Crown of *England*, that at any Time heretofore, within the Space of Five Years last past, had obtained of his Lordship the Lord Proprietary of this Province, from himself, or from any Person by, from, or under him, any Warrant or Warrants, for any Parcel or Parcels of Land, either of Re-survey, or to be taken up within this Province, and by Virtue of which any Parcel or Parcels of Land whatsoever, was, by any lawful Surveyor of

CHAP. VIII.

of any County within this Province, ſurveyed and laid out at any Time before the Revolution of Affairs, or before the tenth Day of *July*, which was in the Year of our Lord One Thouſand Six Hundred Eighty and Nine, and no Patent as yet by his Lordſhip granted for the ſame, ſuch Perſon or Perſons, by himſelf, or his Attorney, at any Time within twelve Months from and after the Publication of this Law, in the County where ſuch Land lieth, * *appearing before the Juſtices of the reſpective County in which the Land lieth as aforeſaid*, and producing to the Juſtices of the ſaid County Court, a Certificate under the Hand of ſuch Surveyor as made the Survey of any Parcel or Parcels of Land as aforeſaid, and proving the ſame by the Oath of ſuch Surveyor, if living, or by the Book of ſuch Surveyor, or other Evidence, if the Surveyor be dead, that the ſame Parcel or Parcels of Land was really and *bonâ fide*, laid out and ſurveyed for ſuch Perſon or Perſons, by Warrants for the ſame, before the Revolution of Affairs in this Province, in the Year aforeſaid, and filing the ſaid Certificate and Oath in the Records of the ſaid Court, it ſhall and may be lawful to ſuch Perſon or Perſons, to have, uſe, occupy, † *poſſeſs* and enjoy all ſuch Lands and Tenements, ſo laid out and ſurveyed as aforeſaid.

* N. B. *Theſe Words printed in* Italic *are in the Record Book*, WH *and* L°. *tho' not in the Record* LL, *tranſmitted from* England *under the Hand of Sir* Thomas Lawrence.

† *In the Record* WH *and* L°. *as above.*

III. **And it is hereby Declared and Enacted**, That ſuch Perſon or Perſons ſhall have and enjoy a pure and lawful Eſtate of Inheritance in Fee-ſimple, of, in, and to all ‖ *ſuch* Parcel or Parcels of Lands or Tenements, according to the Conditions of Plantations upon which ſuch Warrants were granted, as aforeſaid; together with all Privileges, Grants, and Immunities whatſoever, incident, appertaining, or belonging to the ſame, although not in this Act ſo largely and particularly expreſſed, as fully and abſolutely, as if a Patent from his Lordſhip had been granted for the ſame; any Law, Statute or Uſage to the contrary hereof in any wiſe notwithſtanding.

To be held in Fee-ſimple, as fully as if Patent had been granted for the ſame.

‖ *In the Record* WH *and* L°. *as above.*

IV. **And Forasmuch**, as many Perſons having purchaſed of his Lordſhip, Warrants for taking up of Lands within this Province, and paſſed their Obligations for the ſame, as aforeſaid, which Obligations many of them are paid, and many others lie out againſt them, and yet no Land taken up or ſurveyed according to the Tenor of the ſaid Warrants; and although his Lordſhip, by his Officers appointed under him, doth demand and require the Tobacco ſo due by the Obligations, as aforeſaid, yet refuſeth to renew ſuch Warrants for ſuch Lands ſo paid for, or ſecured to be paid for, **Be it therefore Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That any Perſon or Perſons whatſoever, having ſuch Warrant or Warrants in their Hands, and unexecuted as aforeſaid, ſhall or may repair to his Lordſhip's Agent, Receiver-General, or other Perſon for ſuch Purpoſe authorized, and inform them of the ſame: And if, thereupon, ſuch Receiver-General, or Agent, or other Perſon authorized as aforeſaid, ſhall refuſe to deliver up ſuch Obligation to ſuch Perſon or Perſons having ſuch Warrant or Warrants unexecuted as aforeſaid, and delivering up the ſame upon Delivery of ſuch Bond; that then it ſhall and may be lawful to ſuch Perſon or Perſons to ſurvey and take up, by a ſworn Surveyor of the County aforeſaid, any Lands not before taken up, or otherwiſe reſerved, according to the Tenor of ſuch Warrant or Warrants: And the Certificate thereof returned to the County Court, with the Proving and Recording the ſame, as before in this Act is ſet down and directed, ſuch Perſon ſhall have and enjoy a good, ſure, firm Eſtate of Inheritance in Fee-ſimple, as fully and amply, as before in this Act is Enacted and Granted to ſuch Perſons who had ſurveyed any Land before the Revolution, but had no Patent for the ſame: Any Law, Statute or Uſage to the contrary hereof notwithſtanding.

See the Note below.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

N. B. His Lordſhip's Officers had for ſome Years paſt, laboured under various Difficulties and Obſtructions in the Diſcharge of their Truſts, and ſome under Proſecutions on account of their ſuſpected Principles, and ſteady Adherence to the Proprietary, in the late unſettled State

CHAP. VIII. of the Province. So that many Irregularities in the Land-Office, ſuch as are mentioned above, muſt unavoidably have happened; which were ſpeedily rectified on the Settlement of the Government under the Crown, and Removal of the Reſtraints (by repeated Royal Orders and Inſtructions ſent in to that Purpoſe) which had impeded his Lordſhip's Officers in the Execution of their Duty. And accordingly the laſt Section of this Act is not recorded in *Lib.* WH *and* L*, as being thought no longer neceſſary, the ſeveral Demands therein mentioned, having been immediately anſwered and complied with.

CHAP. IX.

Paſſed 9th of *June* 1692. *An Act for Appeals, and regulating Writs of Error. Lib.* LL. *fol.* 32. *and Lib.* WH *and* L*. *fol.* 18. *REP.* 1694, *ch.* 18.

A new Act made 1695, *ch.* 19.

CHAP. X.

Ditto. *An Act for the Eaſement of the Inhabitants of this Province, in Suits at Law for ſmall Debts. Lib.* LL. *fol.* 37. *and Lib.* WH. *and* L*. *fol.* 84. *REP.*

CHAP. XI.

Ditto. *An Act for the due Recording of all the Laws of this Province, in the Secretary's Office. Lib.* LL. *fol.* 39. *and Lib.* WH *and* L*. *fol.* 69.

A new Act 1699, *ch.* 32.

CHAP. XII.

Ditto. *An Act aſcertaining what Damages ſhall be allowed upon Proteſted Bills of Exchange. Lib.* LL. *fol.* 40. *and Lib.* WH *and* L*. *fol.* 85. *EXP.*

To be in Force 3 Years, or to the End of the next Seſſion. Continued 1694, *ch.* 16, and 1695, *ch.* 16 and 26. A new Act made 1699, *ch.* 5.

CHAP. XIII.

Ditto. *An Act for Quieting of Poſſeſſions. Lib.* LL. *fol.* 41. *Lib.* WH *and* L*. *fol.* 70. *and Lib.* LL. N° 2. *fol.* 44.

N. B. This Act, *mutatis mutandis*, is re-enacted in 1715, *ch.* 47, §. 1 and 2, with this Difference only, that the preſent Act only confirms Sales, Gifts, Grants and Aſſignments of Patents, under the Circumſtances therein mentioned, made before the 27th *March* 1671; whereas the Act of 1715, *ch.* 47, §. 1 and 2, confirms all ſuch Sales, Gifts, *&c.* made before the 13th *April* 1674, *viz.* till the Act of 1671, *ch.* 6, ceaſed to operate, being then ſuperſeded by the Act of 1674, *ch.* 2.

CHAP. XIV.

Ditto. *An Act for the Publication of Marriages. Lib.* LL. *fol.* 43. *Lib.* WH. *and* L*. *fol.* 71. *and Lib.* LL. N° 2. *fol.* 49. *REP.*

A new Law made 1704, *ch.* 72.

CHAP. XV.

Ditto. *An Act relating to Servants and Slaves. Lib.* LL. *fol.* 45. *and Lib.* WH *and* L*. *fol.* 91. *REP.*

A new Act made 1699, *ch.* 43.

CHAP. XVI.

Ditto. An ACT for Puniſhment of Perſons ſuborning of Witneſſes, or committing wilful and corrupt Perjury. *Lib.* LL. *fol.* 55. *Lib.* WH *and* L*. *fol.* 115. *and Lib.* LL. N° 2. *fol.* 27.

N. B. This Law is declared to remain and be in full Force, by 1705, *ch.* 8.

Preamble. WHEREAS ſeveral Perſons, void of Grace, and the Dread of the Almighty, have, and do ſtill continue, for ſmall Profits accruing to themſelves, to commit wilful and corrupt Perjury, or cauſe or procure the ſame to be committed, either out of a Deſign for the Reaſons and Purpoſes aforeſaid, or merely to revenge an imaginary Injury done them, to the great Prejudice of divers of their Majeſty's loyal Subjects, inhabiting within this Province. **And forasmuch** as the Laws for this Province heretofore made, for the Prevention of the like Miſchiefs and Inconveniencies, have, upon a mature and deliberate Conſideration, by this preſent General Aſſembly, been found altogether inconſiſtent with the Conſtitution of this Province, or the Laws of *England*, in ſuch Caſes made and provided:

Inconſiſtency of former Laws.

II. **Be it therefore Enacted** *by the King and Queen's moſt excellent Majeſties, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame*, That if any Perſon or Perſons whatſoever, from and after the Publication hereof, ſhall unlawfully or corruptly procure any Witneſs or Witneſſes,

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Witneſſes, by Letters, Rewards, Promiſes, or by any other ſiniſter, unlawful Labour or Means whatſoever, to commit any wilful and corrupt Perjury, in any Matter or Cauſe whatſoever, now depending, or which hereafter ſhall depend in Suit and Variance, by any Writ, Action, Bill, Complaint or Information, in any wiſe touching or concerning any Lands, Tenements or Hereditaments, or any Goods, Chattels, Debts or Damages, in any of the Courts of Record within this Province, or that ſhall unlawfully and corruptly procure or ſuborn any Witneſs or Witneſſes, from and after the Publication aforeſaid, to be ſworn to teſtify *in perpetuam Rei Memoriam*; that then every ſuch Offender or Offenders ſhall, for his or their ſaid Offence, being thereof lawfully convicted or attainted, loſe and forfeit the Sum of Forty Pounds Sterling. And if it happen any ſuch Offender or Offenders, ſo being convicted or attainted as aforeſaid, ſhall not have Goods, Chattels, Lands or Tenements, to the Value of Forty Pounds as aforeſaid, then every ſuch Perſon or Perſons, ſo being convicted or attainted as aforeſaid, ſhall, for his or their ſaid Offence, ſuffer Impriſonment, for and during the Space of one whole Year, without Bail or Mainprize, and ſtand upon the Pillory one whole Hour, at the Pillory next adjoining the Place where he, ſhe or they, ſhall be convicted as aforeſaid.

Perſons corrupting or ſuborning Witneſſes, forfeit 40 *l.* Sterling,

or not having Goods to the Value, ſhall be impriſoned one Year, and ſtand one Hour in the Pillory,

III. **And be it further Enacted** *by the Authority aforeſaid*, That no Perſon or Perſons, being convict or attaint as aforeſaid, ſhall be from thenceforth received as a Witneſs, to be depoſed and ſworn in any Court of Record within this Province, until ſuch Time as the Judgment given againſt the ſaid Perſon or Perſons be reverſed, by Attaint or otherwiſe. And that, upon every ſuch Reverſal, the Parties grieved, to recover his, her or their Damages, againſt all and every ſuch Perſon or Perſons, as did procure the ſaid Judgment ſo reverſed to be given again them, or any of them, by Action or Actions upon his, her or their Caſe or Caſes, according to the common Courſe of the Laws of this Province.

and rendered incapable of giving Evidence, till ſuch Judgment be reverſed,

in which Caſe they may recover Damages.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons, after the Publication hereof, either by Subornation, unlawful Procurement, ſiniſter Perſwaſion, or Means of any other, or by their own Act, Conſent or Agreement, wilfully and corruptly, commit any Manner of wilful Perjury, by their Depoſition in any Court of Record in this Province, as aforeſaid, or being examined *in perpetuam Rei Memoriam*; that then every Perſon and Perſons ſo offending, and being thereof duly convicted or attainted by the Laws of this Province, ſhall, for his or their ſaid Offence, loſe and forfeit Twenty Pounds Sterling, and ſuffer Impriſonment the Space of Six Months, without Bail and Mainprize; and the Oath of ſuch Perſon or Perſons ſo offending, from thenceforth not to be received within any Court of Record within this Province, until ſuch Time as the Judgment given againſt the ſaid Perſon or Perſons ſhall be reverſed, by Attaint, or otherwiſe, as aforeſaid; and that, upon every ſuch Reverſal, the Parties grieved to recover their Damages as aforeſaid. And if it happen that the ſaid Offender or Offenders, ſo offending, ſhall not have Goods and Chattels, to the Value of Twenty Pounds, that then he, ſhe or they, be ſet on the Pillory next adjoining to the Place where he, ſhe or they ſhall be convict, as aforeſaid, and to have both Ears nailed, and be from thenceforth to be diſcredited and diſabled for ever to be ſworn in any of the Courts of Record aforeſaid, until ſuch Time the ſaid Judgment be reverſed; upon which he, ſhe or they, ſhall recover his, her or their Damages, in Manner and Form as is before mentioned; the one Moiety of all the ſaid Fines and Forfeitures, to be to our Sovereign Lord and Lady, the King and Queen, for the Support of Government; and the other Moiety to ſuch Perſon or Perſons, as ſhall be grieved, hindered or moleſted by Reaſon of any the Offence or Offences before mentioned, that will ſue for the ſame, by Action of Debt, Bill, Plaint or Information, or otherwiſe, in any Court of Record within this Province, wherein no Eſſoyn, Protection, or Wager of Law, ſhall be allowed.

Perſons convict of Perjury to forfeit 20 *l.* Sterling, and ſuffer 6 Months Impriſonment,

and their Oath not to be received till Reverſal of Judgment,

Not having Goods to the Value of the Fine, ſhall be Pillor'd, and their Ears nailed.

Half of the Fines to the Support of Government, and Half to the Party grieved.

V. **And**

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Witneſſes ſummoned, having their Charges tendered, and not appearing, to forfeit 10*l.* Sterling, with ſuch further Damage to the Party grieved as the Court ſhall award. *But ſee* 1715, *ch.* 37, §. 5.

V. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons, upon whom any Proceſs out of any the Courts of Record, within this Province, ſhall be ſerved, to teſtify or depoſe concerning any Cauſe or Matter, depending in any of the ſame Courts, relating to the Premiſes, and having tendered unto him or them, according to their State or Calling, ſuch reaſonable Sums of Money, or Tobacco, for his or their Coſts and Charges, as having Regard to the Diſtance of the Place, in that Behalf is neceſſary to be allowed, do not appear, according to the Tenor of the ſaid Proceſs, having not a lawful reaſonable Let or Impediment to the contrary; that then the Party or Parties, ſo making Default, ſhall forfeit and loſe, for every ſuch Offence, Ten Pounds Sterling; and to yield to the Party grieved, ſuch further Recompence, as by the Diſcretion of the Judge of that Court, out of which the ſaid Proceſs ſhall be awarded, according to the Loſs and Hinderance that the Party which procured the ſaid Proceſs, ſhall ſuſtain by the Reaſon of the Non-appearance of the ſaid Witneſs or Witneſſes: The ſaid ſeveral Sums to be recovered by the Party ſo grieved, againſt the Offender or Offenders, by Action of Debt, Bill, Plaint or Information, in any of their Majeſty's Courts of Record in this Province, wherein no Eſſoyn, Protection, or Wager of Law to be allowed.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

Paſſed 9th of *June* 1692.

An Act for the Fourteen Pence Tonnage. *Lib.* LL. *fol.* 60. *and Lib.* WH *and* L*. *fol.* 67. *DISSENT.*

N. B. This Act (1.) recites the *Act* of 1661, *ch.* 7, *for Port Duties and Maſters of Ships*, and ſets forth, that "the ſaid Act being altogether ſilent for what Uſe the ſaid Impoſition hath been "ever ſince levied and raiſed, whereby the true Intent of the ſaid Law hath been hitherto un-"known, to the great Diſſatisfaction of the good People of this Province; no other apparent "Reaſon or Cauſe for the ſame being than only the Advancement of his Lordſhip's Intereſt, "who hath ever ſince converted the ſame to his own Uſe. This preſent General Aſſembly, "having taken the Premiſes into their Conſideration, and being fully ſatisfied that the Reaſons "and Cauſes for giving the ſaid Subſidy was for the better ſecuring the ſeveral Ports and Harbours "within this Province, by erecting of Forts and finding ſufficient Ammunition for maintaining "the ſame, which his Lordſhip hath in no wiſe complied with: And forasmuch as this preſent "General Aſſembly conceives his ſaid Lordſhip was incapacitated of performing what (upon "making the ſaid Act) was meant and intended to have been performed, *&c.* pray, that it may be "enacted, *&c.*" and then enacts, (2.) That 14*d.* Sterling per Ton, *&c.* be paid to their Majeſties, *&c.* for Support of Government. (3.) That 30*l.* Sterling *per Annum* be paid thereout to each Member of the Council having no Place of Profit, in Satisfaction of their Loſs and Time attending the Council upon all Occaſions; the ſaid Councillors defraying their own Expences, without any Charge to the Public whatſoever. (4.) The Remainder of the ſaid Subſidy to go to the Supply of the Province with ſufficient Proviſion of Arms and Ammunition, *&c.*

The Reaſons for paſſing this Act appear more amply from the following Extract from the Opinion of the Houſe of Delegates (with which the Council concurred) upon the Petition of *Henry Darnall*, Eſq; his Lordſhip's Agent and Receiver General, for Liberty *peaceably and quietly to receive and collect all his Lordſhip's Dues and Revenues in this Province*, &c. Which Opinion was ſent up to the Council Board on the 25th *May* 1692.

"As to the 14*d.* per Ton, this Houſe have fully ſearched and examined into the true Cauſe "of making this Act (*viz.* 1661, *ch.* 7,) and though the Journal of that Aſſembly, as well as "the original Law, is either by Negligence loſt, or deſignedly made away by the late Govern-"ment; yet many Perſons living, and ſome of this Aſſembly, do remember and ſay, that the "ſame was for building of Forts and finding of Powder and Shot for the Country's Uſe. And "further, that that Duty ever was, and is ſtill, by the Inhabitants called *Fort-Duties* and not "*Port-Duties*, as it is now termed in the ſaid Act: Upon which Evidence, and Peruſal of the "Law, and fully debating the ſame, This Houſe do unanimouſly declare, that the ſaid Fourteen "Pence per Ton doth of Right, and according to the Intentions of the Makers of that Law, "belong to the Crown. And humbly deſire their Majeſty's Royal Aſſent to an Act to inveſt "the ſame in their Majeſties and Succeſſors forever. It ſeeming very unequal to them that the "Crown of *England* ſhould be at the Charge of building Forts, which is abſolutely neceſſary "for ſecuring Ships in Time of War, and ſecuring their Majeſty's Duties in both Times of "Peace and War, and the Lord *Baltimore* receive the Money given by his Majeſty's Subjects "for that End and Purpoſe, *&c.*

In Purſuance whereof the following Orders were made:

"*June* 6th, 1692.

"By his Excellency the Governor and Council in Aſſembly.

"The Houſe, upon their Explanation of the 14*d.* per Ton, having declared their Sentiments "thereof to be for Duties belonging to and veſted in the King, the Board think it neceſſary, "that of all Ships and Veſſels that ſhall hereafter Clear, the ſame be ſecured and collected by "the Naval Officer; and lodged in Bank until his Majeſty's Pleaſure therein ſhall be further "known, *&c.*

"*June*

" *June* 8th, 1692.

" Notice to be given to *Cæcil Butler*, deputed by Col. *Darnall* as Naval Officer, that he forbear further to collect the 14*d.* per Ton Fort Duties; it being ordered to be collected by the Collector, *&c.* the same to be signified publicly by an Order of this Board, to be set up in the Collector's Office."

The Foundation of Mr. *Darnall*'s Petition was the following Royal Letter which was produced and read at the same Time, *viz.*

" *WILLIAM* R.

" Trusty and Well-beloved, We greet you well. Whereas our right trusty and well-beloved CHARLES Lord BALTIMORE, hath by his humble Petition represented unto Us, that he has not received any Benefit of our Royal Letter of the 1st of *February* 1689, nor of an Order of Council of the 26th of *February* 1690, both which gave him Liberty, by his Agents in *Maryland*, to collect his Revenues and Duties there: That he is informed, from his Agents there, that by Reason of their long Confinements and other Hardships in that Province, they were rendered altogether uncapable of acting for him, whereby he has received no Returns from thence this last Shipping. We have thought fit, upon Consideration thereof, and at the humble Request of the said CHARLES Lord *Baltimore*, hereby to signify our Will and Pleasure to you, that you do take Care, and give strict Orders, as there shall be Occasion, that *Henry Darnall*, Gent. who for several Years has been the Petitioner's Agent and Receiver in *Maryland*, as also such Person or Persons as the said *Henry Darnall* shall appoint, be permitted to live peaceably and quietly, and to act as formerly, in receiving the said CHARLES Lord *Baltimore*'s Dues and Revenues in that Province. And our further Pleasure is, that no Ships or Vessels be Cleared in *Maryland*, before the said Lord *Baltimore*'s Agent and Receiver-General, shall have received his Dues from the Shipping there: They behaving themselves peaceably, and with due Submission to our Government. And for so doing this shall be your Warrant. And so we bid you farewell. Given at our Court at *Whitehall* the 12th Day of *November* 1691, in the Third Year of our Reign.

" *By his Majesty's Command,*

" To our trusty and well-beloved *Lyonel Copley*, Esq; " Captain-General and Governor in chief in and over " our Province of *Maryland*, in *America*, and to our " chief Governor or Governors, for the Time being.

NOTTINGHAM."

The above Act, together with Mr. *Darnall*'s Petitionary Demand, in Behalf of Lord *Baltimare*'s Dues and Revenues, and the Opinion of Both Houses thereon, being transmitted to *England*, received a final Determination by his Majesty in Council, from which the following is extracted.

' At the Court at *Whitehall*, the 23d of *February* 1692.

' PRESENT,

" *The KING's most Excellent Majesty.*

' L. Archbp. of CANTERBURY,	Earl of ROCHESTER,	Lord Bishop of LONDON,
' Lord PRESIDENT,	Earl of MONMOUTH,	Sir ROBERT HOWARD,
' L. GREAT CHAMBERLAIN,	Earl of MONTAGUE,	Mr. VICE CHAMBERLAIN,
' Lord CHAMBERLAIN,	Earl of SCARBOROUGH,	Mr. CHANCELLOR of the Exchequr.
' Earl of BEDFORD,	Earl of WARRINGTON,	Lord Chief Justice HOLT,
' Earl of BRIDGEWATER,	Earl of RANELAGH,	Sir EDWARD SEYMOUR,
' Earl of MACCLESFIELD,	Viscount NEWPORT,	Sir HENRY GOODRICK,
' Earl of NOTTINGHAM,	Viscount FAULKLAND,	Mr. BOSCAWEN.

' The Right Honourable the Lords of the Committee for Trade and Plantations, having laid ' before his Majesty in Council, a Report from Sir *Thomas Trevor*, Knt. their Majesty's Solliciter-General, upon several Demands of the Lord *Baltimore*, as Lord Proprietary of their Majesty's Province of *Maryland*, which having been Read at the Board as followeth, *viz.*

" *To the Right Honourable the Lords of the Committee of Trade and Plantations.*

" In Obedience to your Lordships Order of Reference, of the 19th of *September* last, I have considered of the several Demands made by my Lord *Baltimore*, in the Province of *Maryland*, and represented to their Majesties by the Assembly of that Province; and I have been attended by the Lord *Baltimore* and his Council, *&c. &c.*

" As to the second Demand of Fourteen Pence per Ton, *&c.* I find by an Act of the Assembly of that Province in 1661, it was Enacted, That all Vessels whatsoever, not properly belonging to that Province, having a Deck flush Fore and Aft, coming in, and trading within that Province, should pay, for Port Duties and Anchorage, a Pound of Powder and three Pounds of Shot, or so much in Value, for every Ton of Burthen, to the Proprietor and his Heirs. Which Duty hath by Usage been turned into Money, *viz.* Fourteen Pence per Ton, and so answered to the Lord *Baltimore*, and constantly applied to his own Use, and not to the Support of Government, as the Lord *Baltimore* affirms to me. And, by Order of Council, of the 26th of *February* 1690, this Duty of Fourteen Pence per Ton, was directed to be answered to the Lord *Baltimore*, as Proprietor of the Province; and likewise Instructions given Col. *Copley*, Governor of *Maryland*, to permit the Lord *Baltimore*, or his Agents, to receive the same without any Disturbance or Interruption. And I conceive upon the Words of the Act, this Duty doth belong to my Lord *Baltimore* as Proprietor, to be received by him, or to his own Use. And it would be a Thing of dangerous Consequence to admit of Parole Proof of an Intention, in the Law-Makers, different from the Words of a Law, to say that the Duty which the Act calls a *Port-Duty*, was intended to be a *Fort-Duty*; and it seems to be admitted by the Assembly, that this Duty of Fourteen Pence per Ton doth by Law now belong to the Lord *Baltimore*, by desiring their Majesty's Royal Assent to an Act to invest it in their Majesties, *&c. &c.*

" All which is humbly submitted to your Lordships great Wisdom.

" THO. TREVOR."

' His

CHAP. XVII.

'His Majeſty was pleaſed to approve of the ſaid Report, and did Order, as it is hereby Ordered, that the Act lately paſſed in *Maryland* for the Fourteen Pence Tonnage be, and it is hereby, ſet aſide and diſallowed. And that the Lord *Baltimore* be permitted, without any Diſturbance or Interruption, to collect and receive, by ſuch Perſon or Perſons as he ſhall thereunto authorize and appoint, the ſaid Duty of Fourteen Pence per Ton, for Port-Duties or Anchorage, for his own Uſe, of Right belonging to him by Law, as Lord Proprietary of the ſaid Province. And as well Col. *Copley*, their Majeſty's preſent Governor, as the Lord *Baltimore*, and all others whom it may concern, are to take Notice of his Majeſty's Pleaſure hereby ſignified, and to comply with the ſeveral Particulars of the ſaid Report.

'JOHN NICHOLAS.'

And accordingly, at a Council held here on the 2d *October* 1693, the Board being moved on Behalf of Lord *Baltimore* in Relation to the above Report and Royal Order, it was Ordered, that the King's Commands touching the ſame, ſhould be fully obſerved, and that the ſaid Report, and King's Order, ſhould be entered in the Journal of the Council, and likewiſe in the Provincial Office, that all Perſons concerned might take Notice thereof.

CHAP. XVIII.

Paſſed 9th of *June* 1692. *An Act aſcertaining the Expences of the Commiſſioners of the Provincial and County Courts. Lib.* LL. *fol.* 60. *and Lib.* WH *and* L*. *fol.* 120. *REP.* 1694, *ch.* 7.

CHAP. XIX.

Ditto. *An Act for taking away all Errors in Proceedings at Law and Equity, and in the Court for Probat of Wills, occaſioned by the late Revolution. Lib.* LL. *fol.* 64. *Lib.* WH *and* L*. *fol.* 79. *and Lib.* LL. N° 2. *fol.* 12.

CHAP. XX.

Ditto. *An Act for ſettling Naval Officers Fees within this Province. Lib.* LL. *fol.* 66. *and Lib.* WH *and* L*. *fol.* 66.

N. B. This Act takes Notice in the Preamble of a Fee paid upon Clearing out every Ship, under the Pretext of Secretary's Fees of 2*l.* 1*s.*4*d.* beſides other Fees to inferior Officers for writing Entries, Permits and Clearings, without any Pretence or Colour of Law, *&c.* an then ſettles a Fee of 40*s.* Sterling to the Governor for Entering, Clearing and granting Permits to each Ship or Veſſel trading into this Province; except Sloops trading between *Virginia* and this Province, which were to pay only 10*s.* Sterling for each Clearance. And the Governor to find Officers for the due Execution of the Premiſes without any further Expence to the Shipping; but that this Act ſhould not extend to the Fees or Perquiſites due to the Collectors, *&c.* A new Act was made 1694, *ch.* 10, whereby 3*d.* per Ton was given to the Governor on all Ships (not being Country Property) trading and coming into this Province; and the Naval Officers had their own ſeparate Fees eſtabliſhed.

CHAP. XXI.

Ditto. *An Act enabling one Burgeſs out of each County, to lay the Public Levy of this Province for this preſent Year. Lib.* LL. *fol.* 69. *OBS.*

N. B. This Act is not recorded in *Lib.* WH *and* L*: probably for the ſame Reaſon as the laſt Section of *ch.* 8, above, *viz.* That it was not thought neceſſary, the Purpoſes thereof being immediately compleated.

CHAP. XXII.

Ditto. *An Act for the Impoſition of Four Pence per Gallon on Liquor imported into this Province. Lib.* LL. *fol.* 70. *and Lib.* WH *and* L*. *fol* 143. *REP.* 1694, *ch.* 19.

Payable for the ſpace of 3 Years, for diſcharging the great Expences accruing to this Province in Paying of Soldiers, Diſcharging the Arrears of the late Government, Repairing of Court-Houſes and Priſons, and alſo for Raiſing a better Allowance for paying the Charge of their Majeſty's Councillors and Juſtices of the Provincial Court, and for Paying an Agent of this Province in *England.*

CHAP. XXIII.

Ditto. *An Act appointing* Peter Pagan, *Merchant, to be Agent for their Majeſty's Province of* Maryland. *Lib.* LL. *fol.* 72. *and Lib.* WH *and* L*. *fol.* 145. *REP.* 1694, *ch.* 17.

CHAP. XXIV.

Ditto. *An Act for the Publication of all Laws within this Province. Lib.* LL. *fol.* 73. *Lib.* WH *and* L*. *fol.* 34. *and Lib.* LL. N° 2. *fol.* 11. *REP.*

A new Law made 1704, *ch.* 18.

CHAP. XXV.

Ditto. *An Act for the Election of Sheriffs. Lib.* LL. *fol.* 75. *and Lib.* WH *and* L*. *fol.* 35. *REP.*

N. B. By this Act the Continuance of a Sheriff in his Office was limited to two Years: But by 1699, *ch.* 26, it was extended to 3 Years.

CHAP.

CHAP. XXVI.

An Act for securing Merchants and Others Tobacco, after they have received it. Passed 9th of *June* 1692.
Lib. LL. *fol.* 76. *and Lib.* WH *and* L*. *fol.* 31. *EXP.*

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26. A new Law 1699, *ch.* 33.

CHAP. XXVII.

An Act impowering the Commissioners of the County Courts to levy and raise Monies to defray the necessary Charges of their Counties. Lib. LL. *fol.* 79. *and Lib.* WH *and* L*. *fol.* 33. *REP.* Ditto.

A new Law 1699, *ch.* 12.

CHAP. XXVIII.

An Act declaring what shall be done by the Sheriffs ex Officio. *Lib.* LL. *fol.* 80. *and Lib.* WH *and* L*. *fol.* 29. *EXP.* Ditto.

For 3 Years, or to the End of the next Session of Assembly. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. XXIX.

An Act concerning the Height of Fences. Lib. LL. *fol.* 82. *and Lib.* WH *and* L*. *fol.* 30. *REP.* Ditto.

A new Law made 1699, *ch.* 14.

CHAP. XXX.

An ACT for the Enrolment of Conveyances, and Securing the Estates of Purchasers. *Lib.* LL. *fol.* 83. *and Lib.* WH *and* L*. *fol.* 59.

N. B. This Act is approved by the Act of 1715, *ch.* 47, and all Conveyances made under it, are thereby confirmed, §. 5.

FOR the better establishing of a Way and Method of conveying of Manors, Lands, Tenements and Hereditaments, within this Province, for the future, and for the avoiding of all Abuses and Deceits in incumbering Estates by Mortgages and otherwise, by the Owners of Lands and Hereditaments, to the Prejudice of Purchasers for valuable Considerations, and such as lend their Moneys upon real Security; Preamble.

II. Be it Enacted *by the King and Queen's most excellent Majesties, by and with the Advice and Consent of this present General Assembly, and by the Authority of the same,* That from and after Publication hereof, no Manors, Lands, Tenements or Hereditaments whatsoever, within this Province, or any the Lands, Islands, Territories, or Places thereunto belonging, shall pass, alter or change, from one to another, whereby the Estate of Inheritance or Free-hold, or any Estate for Years, other than such upon which the improved Yearly Rents, reserved to be paid, shall be made to take Effect in any Person or Persons, or any Use or Trust thereof, except the Deed or Deeds, Conveyance or Conveyances, by which the same shall be intended to pass, alter or change, be made by Writing Indented and Sealed, and that the same be Acknowledged in the Provincial Court of this Province, or before Two of the Council of this Province, or in the Court of the same County, or before Two of the Justices of the Peace of the same County, where the same Manors, Lands, Tenements and Hereditaments do lie; and be Enrolled, or the Substance of the same, *That is to say,* The certain Dates, Names, Sirnames, and Additions of the Parties thereunto; with the certain Considerations for which the same were made, and the certainty of the Premises, and of the Estate or Estates, thereby intended to pass, be Enrolled in the Provincial Court of this Province, or in the County Court where the Land doth lie: The same Enrolment to be made within twelve Months after the Date of the said Writings Indented: For the Caption of which said Enrolment, there shall be paid to the Parties taking the same, Twelve Pence Sterling, and no more. And for which said Enrolment there shall be paid, to the Clerk of the said Provincial or County Court, in case the same do not exceed half of a Side of a Leaf in Folio, in the Record Book wherein the same shall be enrolled, the Sum of Conveyances under this Act, how to be made, acknowledged, and enrolled.

CHAP. XXX.

Eight Pence only: And if the ſame do exceed half a Side of a Leaf as aforeſaid, then the Sum of Sixteen Pence for every Side of a Leaf as aforeſaid, which the Enrolment ſhall take up. And that the Clerk of the ſaid Court ſhall well and ſufficiently enroll the ſame, with a Note of the Day wherein the ſame ſhall be enrolled, in a good ſufficient Book in Folio, to remain in the Cuſtody of the Clerk of the ſame Court for the Time being, amongſt the Records of the ſame Court, to the Intent, that every Party that hath to do therewith, may reſort unto and ſee the Enrolment. And that the ſame Clerk ſhall, on the Back of every ſuch Deed, in a full legible Text Hand, make an Endorſement of the Day and Year of ſuch Enrolment, and alſo of the Folio of the Book in which the ſame ſhall be enrolled, and ſhall unto ſuch Endorſement ſet his Hand.

How to be acknowledged by a Grantor, out of the Province.

III. **Provided always, and it is hereby Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That where the Grantor or Grantors, Bargainor or Bargainors of any ſuch Manors, Lands, Tenements or Hereditaments, ſhall happen to be out of this Province, and within any of their Majeſty's Dominions, at the Time of the enſealing of ſuch Writing or Writings indented, ſo as the ſame cannot be Acknowledged in Manner and Form as is before directed, or Enrolled within the Time for that Purpoſe herein before limited, that in every ſuch Caſe the Acknowledgment of ſuch Writing or Writings, before the chief Governor or Governors of any their ſaid Majeſty's Plantations, or before the Mayor or chief Magiſtrate of any City or Town Corporate within their ſaid Majeſty's Dominions, and a Certificate thereof under the Hand and Seal of ſuch Governor or Governors, or under the Common Seal of ſuch City or Town Corporate, annexed or affixed unto ſuch Writing indented, together with ſuch Certificate in the Provincial Court before mentioned, within two Years next after the Date of the ſaid Writings indented, ſhall be a ſufficient Acknowledgment and Enrolment in the Law, to all Intents and Purpoſes, as effectual and available for the Paſſing and Conveying the Manors, Lands, Tenements and Hereditaments thereby intended to be paſſed and conveyed, as if the ſame had been acknowledged in this Province, and enrolled according to the Intention and Direction of this Act; any Thing herein before contained to the contrary hereof notwithſtanding.

Conveyances to take Effect from the Day of Enrolment.

IV. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That every ſuch Writing indented, to be Acknowledged and Enrolled as aforeſaid, ſhall have relation, as to the Paſſing and Conveying of the Premiſes, and the Eſtate and Eſtates thereby paſſed, or intended to be paſſed and conveyed, only from the Day of the Enrolment of the ſame, and not from the Day of the Date thereof; and ſhall at all Times be conſtrued and taken moſt favourably and beneficially for the Benefit and Advantage of the Grantee and Grantees, and more ſtrongly for the barring of the Grantor and Grantors therein to be named, and according to ſuch Intent, as by the Words thereof ſhall appear to have been the true Intendment of the Parties thereunto, albeit the ſame ſhall not happen to be drawn and penned in ſuch ſtrict formal Manner as is uſed in *England*, and other Countries, where the Advice of Council learned in the Laws of the Country may eaſily be had in the Drawing, Penning and Writing of Inſtruments of the like Nature.

Femme Covert, how to be examined on Acknowledgment.

V. **Provided always,** That any married Woman, or *Femme Covert*, ſhall happen to be named a Party-Grantor in any ſuch Writing indented, the ſame ſhall not be of Force to debar her or her Heirs; except, upon her Acknowledgment of the ſame, the Perſon or Perſons taking ſuch her Acknowledgment, ſhall examine her privately and ſecretly, out of the Hearing of her Huſband, Whether ſhe do make ſuch Acknowledgment of the ſame to the Perſon or Perſons taking ſuch her Acknowledgment, willingly and freely, and without being

being induced thereunto, by any Fear or Threats of, or used by, her Husband, or through Fear of his Displeasure: And that, upon Examination, she shall own the said Acknowledgment to be free and voluntary. And the Person or Persons so examining her shall, in the Note or Certificate of the Caption of the said Acknowledgment, certify such her Examination and Acknowledgment thereupon, and that such Certificate be likewise enrolled upon Record. In which Case only every such *Femme Covert* shall be barred, and not otherwise; any Thing herein before contained to the contrary notwithstanding. CHAP. XXX.

VI. And be it Enacted, *by the Authority, Advice and Consent aforesaid*, That no Advantage shall be had or taken against any Person or Persons whatsoever, that hath either conveyed, or had conveyed to him, any Manors, Lands, Tenements or Hereditaments, by any Ways or Means whatsoever, in this Province, for Non-Payment of the Alienations reserved as aforesaid, at any Time or Times since the late happy Revolution of Affairs in this Province; but that the Payment of the same, and Receipt taken, shall be as available and beneficial to the Party or Parties who ought to pay the same, and recording the same Receipt, as if the same had been paid at the Time of the Acknowledging and Enrolment as aforesaid: Any Thing in this Act, or in any former Act, or any Law, Statute or Usage to the contrary thereof in any wise notwithstanding. No Advantage to be taken for Non-Payment of Alienations since the Revolution.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXI.

An Act prohibiting Arrests upon Sabbath Days, and Days of General Muster and Training. Lib. LL. *fol.* 88. *and Lib.* WH *and* L*. *fol.* 62. *REP.* Passed 9th of *June* 1692.

CHAP. XXXII.

An Act against Hog-Stealers, and marking of Hogs. Lib. LL. *fol.* 90. *and Lib.* WH *and* L*. *fol.* 64. *REP.* Ditto.

CHAP. XXXIII.

An Act prohibiting Trade with the Indians, *for any Flesh dead or alive, except Deer or Wild-Fowl. Lib.* LL. *fol.* 94. *and Lib.* WH *and* L*. *fol.* 16. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26. A new Act made 1699, *ch.* 3.

CHAP. XXXIV.

An Act for the more speedy bringing to Trial, and suppressing Criminals, and limiting their Punishments for certain Offences, when prosecuted in the County Courts. Lib. LL. *fol.* 95. *and Lib.* WH *and* L*. *fol.* 17. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26. A new Law made 1699, *ch.* 44.

CHAP. XXXV.

An Act for Limitation of certain Actions for avoiding Suits at Law. Lib. LL. *fol.* 98. *Lib.* WH *and* L*. *fol.* 14. *and Lib.* LL. N° 2. *fol.* 8. *REP.* Ditto.

A new Law made 1704, *ch.* 44.

CHAP. XXXVI.

An Act concerning Proceedings at Law. Lib. LL. *fol.* 101. *and Lib.* WH *and* L*. *fol.* 16. *REP.* Ditto.

Viz. That where the Law of this Province is Silent, Justice shall be administered according to the Laws of *England*.

CHAP. XXXVII.

An Act prohibiting Commissioners, Sheriffs, Clerks and Deputy-Clerks, to Plead as Attorneys in their respective County Courts. Lib. LL. *fol.* 101. *Lib.* WH *and* L*. *fol.* 16. *and Lib.* LL. N° 2. *fol.* 45. *REP.* Ditto.

A new Act made 1704, *ch.* 66.

CHAP. XXXVIII.

An Act relating to the Seizure of Tobacco by the Sheriff. Lib. LL. *fol.* 102. *and Lib.* WH *and* L*. *fol.* 48. *REP.* Ditto.

CHAP. XXXIX.

An Act for Marking Highways, and making the Heads of Rivers, Creeks, Branches or Swamps, passable for Horse and Foot. Lib. LL. *fol.* 106. *and Lib.* WH *and* L*. *fol.* 50. Ditto.

A new Law made 1699, *ch.* 13.

CHAP. XL.

Paſſed 9th of *June* 1692. *An Act againſt Burners of Fences. Lib.* LL. *fol.* 108. *and Lib.* WH *and* L*. *fol.* 48. *REP.*

A new Law 1699, *ch.* 14.

CHAP. XLI.

Ditto. *An Act for the Preſervation of the ſeveral Harbours within this Province. Lib.* LL. *fol.* 109. *Lib.* WH *and* L*. *fol.* 120. *and Lib.* LL. N° 2. *fol.* 33. *REP.*

A new Law made 1704, *ch.* 90.

CHAP. XLII.

Ditto. *An Act for regulating Ordinaries, and limiting the Number of them within this Province. Lib.* LL. *fol.* 111. *and Lib.* WH *and* L*. *fol.* 26. *DISSENT.*

N. B. This Act (which was to continue 3 Years, *&c.*) gave the Licence Money to the Governor, for the Time being; which was claimed by Sir *Thomas Lawrence*, as belonging to the Secretary. And the Report of the Lords of the Committee of Trade and Plantations, being in his Favour, his Majeſty in Council was pleaſed to approve of the ſaid Report; and his Royal Diſſent is accordingly dated at *Whitehall* the 2d of *March* 169$\frac{2}{3}$. Which being taken into particular Conſideration by the Governor and Council here, on the 27th *September* 1693, and his Excellency Sir *Edmond Andros*, ſignifying his Renunciation of any Pretence or Claim to the Licence Money, under that Act, or any Part thereof; the Council, upon mature Deliberation, conceiving that the immediate utter vacating thereof, by Proclamation, would be very prejudicial to his Majeſty's Service, and the Intereſt of the Country, beſides that it would not fully anſwer the King's Pleaſure in Favour of Sir *Thomas*, Reſolved that the Publication of the Diſſent ſhould be at preſent ſuſpended, till their Majeſty's Pleaſure therein, ſhould be further known. And that, in the mean Time, the Perquiſites due for Ordinary Licences, ſhould redound to the Uſe and Benefit of Sir *Thomas Lawrence*, their Majeſty's Secretary, purſuant to the King's Orders; and not to the Governor, as the ſaid Act directs, *&c.* And a new Act, giving the Ordinary Licence Money to the Secretary, for the Time being, was made 1694, *ch.* 21.

CHAP. XLIII.

Ditto. *An Act for the ſettling of a Standard, with* Engliſh *Weights and Meaſures, within the ſeveral and reſpective Counties in this Province. Lib.* LL. *fol.* 117. *Lib.* WH *and* L*. *fol.* 127. *and Lib.* LL. N° 2. *fol.* 35. *REP.*

A new Act made 1704, *ch.* 71.

CHAP. XLIV.

Ditto. *An Act for the Advancement of Coins. Lib.* LL. *fol.* 120. *and Lib.* WH *and* L*. *fol.* 129. *REP.* 1694, *ch.* 17.

This Act, which was to remain in Force 3 Years, or to the End of the next General Aſſembly, ſettled the Rates of Coin in the ſame Manner as in 1686, *ch.* 4.

CHAP. XLV.

Ditto. *An Act againſt the Exportation of Wool, and old Iron. Lib.* LL. *fol.* 124. *and Lib.* WH *and* L*. *fol.* 124. *EXP.*

For 3 Years, or to the End of the next Seſſion. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. XLVI.

Ditto. *An Act reſtraining the Exportation of Leather and Raw Hides, Deer and Elk Skins, out of this Province, for the Encouragement of Tanners and Shoemakers. Lib.* LL. *fol.* 125. *and Lib.* WH *and* L*. *fol.* 122. *EXP.*

For 3 Years, or to the End of the next Seſſion. Continued 1694, *ch.* 16. and 1695, *ch.* 16.

CHAP. XLVII.

Ditto. *An Act for the Preſervation of Orphans Real Eſtates. Lib.* LL. *fol.* 129. *and Lib.* WH *and* L*. *fol.* 122. *REP.*

CHAP. XLVIII.

Ditto. *An Act concerning what ſhall be allowed to the Grand Juries that are ſummoned out of the Body of the Province, to attend Provincial Courts. Lib.* LL. *fol.* 134. *and Lib.* WH *and* L*. *fol.* 7. *REP.*

CHAP. XLIX.

Ditto. *An Act concerning thoſe Servants that have Baſtards. Lib.* LL. *fol.* 135. *and Lib.* WH *and* L*. *fol.* 7. *REP.* 1694, *ch.* 26.

To continue 3 Years, *&c.* but repealed by the new Act recited above.

CHAP. L.

Ditto. *An Act providing what ſhall be good Evidence to prove foreign Debts. Lib* LL. *fol.* 136. *Lib.* WH *and* L*. *fol.* 8. *and Lib.* LL. N° 2. *fol.* 2. *REP.*

A new Act made 1704, *ch.* 37.

CHAP.

CHAP. LI.

An Act prohibiting all Masters of Ships or Vessels, or any other Person, from transporting or conveying away any Person or Persons out of this Province without Passes. *Lib.* LL. *fol.* 140. *and Lib.* WH *and* L*. *fol.* 10. *REP.* 1694, *ch.* 17. Passed 9th of *June* 1692.

A new Law made 1694, *ch.* 2.

CHAP. LII.

An Act for Encouragement of the Importation of Negroes and Slaves into this Province. *Lib.* LL. *fol.* 142. *Lib.* WH *and* L*. *fol.* 11. *and Lib.* LL. N° 2. *fol.* 5. *REP.* Ditto.

CHAP. LIII.

An Act for Limitation of Officers Fees. *Lib.* LL. *fol.* 144. *and Lib.* WH *and* L*. *fol.* 40. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. LIV.

An Act for limiting the County Clerks Fees within this Province. *Lib.* LL. *fol.* 154. *and Lib.* WH *and* L*. *fol.* 46. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. LV.

An Act for Amerciaments in the Provincial and County Courts. *Lib.* LL. *fol.* 157. *and Lib.* WH *and* L*. *fol.* 111. *EXP.* Ditto.

For 3 Years, &c. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26. A new Law made 1696, *ch.* 7.

CHAP. LVI.

An Act for appointing Coroners in each respective County. *Lib.* LL. *fol.* 158. *Lib.* WH *and* L*. *fol.* 111. *and Lib.* LL. N° 2. *fol.* 22. *REP.* Ditto.

CHAP. LVII.

*An Act for the Appointment of certain * Officers.* *Lib.* LL. *fol.* 159. *Lib.* WH *and* L*. *fol.* 23. *and Lib.* LL. N° 2. *fol.* 21. *REP.* Ditto.

* *Viz.* Constables. A new Act made 1704, *ch.* 61.

CHAP. LVIII.

An Act imposing a Penalty on all such who shall dispose of Tobacco seized and received by the Sheriffs and others. *Lib.* LL. *fol.* 164. *Lib.* WH *and* L*. *fol.* 107. *and Lib.* LL. N° 2. *fol.* 21. *REP.* Ditto.

A new Law 1704, *ch.* 51.

CHAP. LIX.

An Act for Stay of Executions after April *Court.* *Lib.* LL. *fol.* 166. *and Lib.* WH *and* L*. *fol.* 107. *REP.* Ditto.

A new Act made 1698, *ch.* 4.

CHAP. LX.

An Act for the Killing of Wolves. *Lib.* LL. *fol.* 168. *and Lib.* WH *and* L*. *fol.* 108. *REP.* Ditto.

A new Act made 1699, *ch.* 15.

CHAP. LXI.

An Act for the better Administration of Justice in the County Courts of this Province. *Lib.* LL. *fol.* 170. *and Lib.* WH *and* L*. *fol.* 109. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16. A new Law made 1699, *ch.* 4.

CHAP. LXII.

An Act limiting the Extent of Attachments, and providing what shall be levied on Attachments and Executions. *Lib.* LL. *fol.* 172. *Lib.* WH *and* L. *fol.* 103. *and Lib.* LL. N° 2. *fol.* 17. *REP.* Ditto.

A new Law made 1704, *ch.* 14.

CHAP. LXIII.

An Act concerning Indians. *Lib.* LL. *fol.* 178. *Lib.* WH *and* L*. *fol.* 90. *and Lib.* LL. N° 2. *fol.* 16. *REP.* Ditto.

CHAP. LXIV.

An Act against Ingrossers and Regrators. *Lib.* LL. *fol.* 179. *Lib.* WH *and* L*. *fol.* 80. *and Lib.* LL. N° 2. *fol.* 14. *REP.* Ditto.

A new Law made 1704, *ch.* 48.

CHAP.

CHAP. LXV.

Passed 9th of June 1692. *An Act appointing Court Days in each respective County within this Province.* *Lib.* LL. *fol.* 183. *Lib.* WH *and* L*. *fol.* 83. *and Lib.* LL. N° 2. *fol.* 47.

A new Law made 1704, *ch.* 63.

CHAP. LXVI.

Ditto. *An Act for keeping a Register of Births, Marriages and Burials, in each respective County.* *Lib.* LL. *fol.* 186. *and Lib.* WH *and* L*. *fol.* 86. *REP.* 1695, *ch.* 11.

CHAP. LXVII.

Ditto. *An Act for preventing vexatious and unnecessary Suits at Law.* *Lib.* LL. *fol.* 188. *and Lib.* WH *and* L*. *fol.* 87. *REP.*

A new Law made 1699, *ch.* 39.

CHAP. LXVIII.

Ditto. *An Act for Encouragement of Tillage and raising Provisions, for Advancement of Trade within this Province.* *Lib.* LL. *fol.* 191. *and Lib.* WH *and* L*. *fol.* 88. *EXP.*

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. LXIX.

Ditto. *An Act for Recording the Journal of the House of Assembly.* *Lib.* LL. *fol.* 193. *and Lib.* WH *and* L*. *fol.* 89.

A new Law 1699, *ch.* 32.

CHAP. LXX.

Ditto. *An Act for Encouragement of such Persons as will undertake to build Water-Mills.* *Lib.* LL. *fol.* 195. *and Lib.* WH *and* L*. *fol.* 98. *REP.*

A Supplementary Act 1694, *ch.* 32, and a new Law made 1699, *ch.* 40.

CHAP. LXXI.

Ditto. *An Act for Naturalization of* John Oldson, *and* Matthias Vanderheyden. *Lib.* LL. *fol.* 200. *Lib.* WH *and* L*. *fol.* 31. *and Lib.* LL. N° 2. *fol.* 10. *PR.*

CHAP. LXXII.

Ditto. *An Act for securing Creditors.* *Lib.* LL. *fol.* 201. *and Lib.* WH *and* L*. *fol.* 101. *REP.*

CHAP. LXXIII.

Ditto. *An Act for the Constables taking a List of Taxables.* *Lib.* LL. *fol.* 202. *and Lib.* WH *and* L*. *fol.* 102. *REP.*

A new Act 1699, *ch.* 31.

CHAP. LXXIV.

Ditto. *An Act against the Importation of convicted Felons into this Province.* *Lib.* LL. *fol.* 205. *Lib.* WH *and* L*. *fol.* 132. *and Lib.* LL. N° 2. *fol.* 46. *REP.*

CHAP. LXXV.

Ditto. *An Act against excessive Usury.* *Lib.* LL. *fol.* 207. *Lib.* WH *and* L*. *fol.* 133. *and Lib.* LL. N° 2. *fol.* 37. *REP.*

A new Law made 1704, *ch.* 69.

CHAP. LXXVI.

Ditto. *An Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies.* *Lib.* LL. *fol.* 209. *Lib.* WH *and* L*. *fol.* 135. *and Lib.* LL. N° 2. *fol.* 39. *REP.*

A new Law made 1704, *ch.* 35.

CHAP. LXXVII.

Ditto. *An Act prohibiting foreign Ingrossers.* *Lib.* LL. *fol.* 215. *and Lib.* WH *and* L*. *fol.* 138. *EXP.*

For 3 Years, and to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16, and 26.

CHAP. LXXVIII.

Ditto. *An Additional Act to the* * *Act for regulating Ordinaries.* *Lib.* LL. *fol.* 216. *and Lib.* WH *and* L*. *fol.* 138. *REP.*

* 1692, *ch.* 42, which was disallowed by his Majesty. See the Note thereon.

CHAP. LXXIX.

Ditto. *An Act concerning Negroes and Slaves.* *Lib.* LL. *fol.* 220. *and Lib.* WH *and* L*. *fol.* 21. *EXP.*

For 3 Years, or to the End of the next Assembly. Continued 1694, *ch.* 16. and 1695, *ch.* 16.

CHAP.

CHAP. LXXX.

An Act for restraining the unreasonable Increase of Horses in this Province. *Lib.* LL. *fol.* 225. *and Lib.* WH *and* L*. *fol.* 25. *REP.* 1694, *ch.* 17. Passed 9th of *June* 1692.

A new Law made 1694, *ch.* 20.

CHAP. LXXXI.

An Act for the Payment of Fees due from criminal Persons. *Lib.* LL. *fol.* 227. *and Lib.* WH *and* L*. *fol.* 36. Ditto.

A new Law made 1699, *ch.* 38.

CHAP. LXXXII.

An Act touching Coopers, and the Gauge of Tobacco Hogsheads. *Lib.* LL. *fol.* 230. *and Lib.* WH *and* L*. *fol.* 37. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. A new Law 1694, *ch.* 5.

CHAP. LXXXIII.

An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. *Lib.* LL. *fol.* 235. *and Lib.* WH *and* L*. *fol.* 72. *EXP.* Ditto.

For 3 Years, or to the End of the next Session. Continued 1694, *ch.* 16. and 1695, *ch.* 16. An Additional Act 1695, *ch.* 17. A new Act 1699, *ch.* 47.

CHAP. LXXXIV.

An Act of Repeal of all Laws heretofore made in this Province, and Confirming all Laws made in this General Assembly. *Lib.* LL. *fol.* 246. *Lib.* WH *and* L*. *fol.* 145. *and Lib.* LL. N° 2. *fol.* 43. *REP.* Ditto.

N. B. This Act repeals all Laws heretofore made in this Province, and enacts that all Laws now made and assented this present General Assembly, and no other heretofore made, shall be accounted and esteemed as the Body of Laws of this Province. But shall not extend to make void any Persons Right by Acts of Naturalization, or any private Acts heretofore made relating to any private Persons, *&c.* This Act was excepted out of the two General repealing Acts of 1699, *ch.* 46, and 1700, *ch.* 8, but falls under the General Repeal of 1704, *ch.* 77. See an Explanatory Act 1695, *ch.* 15.

CHAP. LXXXV.

An Act prohibiting Trade with the Indians, *for Deer Skins, Elk Skins, or any Furs whatsoever, without Licence.* *Lib.* LL. *fol.* 247. *and Lib.* WH *and* L*. *fol.* 144. *REP.* 1694, *ch.* 17. Ditto.

For 3 Years, or to the End of the next Session.

At a Session of ASSEMBLY, begun and held at the City of *St. Mary*'s, the 21st Day of *September* in the 6th Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King and Queen, Defenders of the Faith, *&c.* *Annoque Domini* 1694, and ended the 18th *October* following. 1694.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. I.

An Act for the Encouragement of Learning, and Advancement of the Natives of this Province. *Lib.* LL. N° 2. *fol.* 52. *REP.* Passed 18th *October* 1694.

A new Law made 1704, *ch.* 93.

CHAP. II.

An Act prohibiting all Masters of Ships and Vessels, or any other Persons, from conveying or transporting any Person or Persons out of this Province, without Passes. *Lib.* LL. N° 2. *fol.* 54. *REP.* Ditto.

A new Law made 1704, *ch.* 22.

CHAP.

CHAP. III.

Paſſed 18th *October* 1694. *An Act confirming and making valid the laſt Will and Teſtament of* Auguſtine Herman, *late of* Cæcil *County, Gentleman, as it now ſtands recorded in the Commiſſary General's Office of this Province. Lib.* LL. N° 2. *fol.* 56. *PR.*

CHAP. IV.

Ditto. *An Act for the Naturalization of* Peter Ferdinando, *and his Children, of* Andrew Imbert, Claudius Dutitree, Gerrardus Weeſſels, *and* James *his Son,* Abraham Ambroſe, Lewis de Roch Brune, John de Vagha, Herman Van Burkelo, Nicholas de la Montagne, Hendrick Sluyter, *and* Jacob Sluyter, *junior. Lib.* LL. N° 2. *fol.* 57. *PR.*

CHAP. V.

Ditto. *An Act touching Coopers and the Gauge of Tobacco Hogsheads. Lib.* LL. N° 2. *fol.* 58. *REP.*

An Additional Act in 1700, *ch.* 4, and a new Act 1704, *ch.* 53.

CHAP. VI.

Ditto. *An Act for Confirmation of all Proceedings, Judicial, Military and Civil, from the Death of his Excellency* Lyonel Copley, *Eſq; their Majeſty's late Governor and Captain General of* Maryland, &c. *unto the Arrival of his preſent Excellency* Francis Nicholſon, *Eſq; the preſent Governor thereof. Lib.* LL. N° 2. *fol.* 62.

See the Act of 1704, *ch.* 36.

CHAP. VII.

Ditto. *An Act aſcertaining the Expences of the Delegates of Aſſembly, and Commiſſioners of the Provincial and County Courts. Lib.* LL. N° 2. *fol.* 66. *REP.*

A new Act made 1704, *ch.* 70. This Act repeals 1692, *ch.* 18.

CHAP. VIII.

Ditto. ## An ACT for Erecting *Ann-Arundel* and *Oxford* Towns, into Ports and Towns. *Lib.* LL. N° 2. *fol.* 69.

An Additional Act made 1695, *ch.* 7.

Ann-Arundel and *Oxford* erected into Ports and Towns.

Be it Enacted *by the King and Queen's moſt excellent Majeſties, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame,* That from and after the Publication hereof, the Land called the Town Land at *Severn*, in *Ann-Arundel* County, where the Town was formerly; and the Land at *Oxford* in *Talbot* County, where the Town was formerly; ſhall from henceforth be Towns and Ports, and Places of Trade, where all Ships and Veſſels may come to for Entering and Clearing. To which End, the Collector of that Diſtrict, or his lawful Deputies, ſhall conſtantly reſide at the ſaid Towns and Ports: And alſo ſome Naval Officer or Officers, or their Deputies, ſhall conſtantly alſo reſide there, for giving Diſpatch to all Ships or Veſſels coming or trading into them Parts.

A Collector and Naval Officer to reſide at each.

Commiſſioners for laying out the Towns.

II. **And,** that the ſame Ports and Towns may be capable of being built upon, and inhabited by Perſons deſiring to dwell and inhabit in them, **Be it Enacted** *by the Authority aforeſaid,* That from and after the Proclaiming of this Act, all and every the Perſons named herein for Commiſſioners, ſhall be Commiſſioners of and for the ſaid Two Towns, and each of them, and they, and every of them, ſhall and may execute the Powers and Authorities hereby given them, according to the Directions hereafter given and preſcribed, as well for the buying and purchaſing the aforeſaid Town Lands, of now Owners and Poſſeſſors of the ſame, as for the ſurveying and laying out the ſame, and ſtaking out the ſeveral Lots to be laid out in them, to the End the Length, Breadth and Extent of each Lot, in each Town and Port, may be known and diſtinguiſhed, *(that is to ſay)* For the ſaid Town and Port of *Ann-Arundel*, in *Ann-Arundel* County aforeſaid, Major *Hammond*, Major *Edward Dorſey*, Mr. *John Bennett*, Mr. *John Dorſey*, Mr. *Andrew Norwood*, Mr. *Philip Howard*, Mr. *James Sanders*, and the Honourable *Nicholas Greenberry*, Eſq; And for the Town and Port in *Talbot* County, at *Oxford* aforeſaid,

said, Mr. *Edward Mann*, Mr. *John Edmondson*, Mr. *Clement Saile*, Mr. *John Neels*, Mr. *John Hawkins*, Mr. *Thomas Robins*, and Mr. *Thomas Robins*, junior, the Honourable Col. *George Robothom*, and Mr. *Thomas Smithson*, and Mr. *Robert Smith*.

Their Power, and Duty.

III. **And be it Enacted**, That the said Commissioners herein nominated for each respective Town in each County aforesaid, or the major Part of them, are hereby impowered, some Time before the Five and twentieth Day of *February*, in the Year of our Lord One Thousand Six Hundred and Ninety four, to meet together upon the respective Lands and Places for Towns before mentioned, and that then and there Treat with and Agree with the Owners and all Persons interested in the said Lands, and buy and purchase of such Owners and Persons interested in the said Lands, One Hundred Acres of the said Lands, at the Discretion of the Commissioners aforesaid, least prejudicial to the Owners. And, after Purchase, shall cause the same to be Surveyed, and, after Survey so made, shall cause the same to be marked, staked out, and divided into convenient Streets, Lanes and Alleys, with open spare Places to be left, on which may be erected a Church, Chapel, Market-House or other Public Building, and the remaining Part of the said One Hundred Acres to be divided into One Hundred equal Lots, marked on some Posts or Stakes towards the Streets or Lanes with Number One, Two, Three, Four, and so to an Hundred: Out of which Lots the Owner of such Lands shall have the first Choice for one Lot; and no Person shall purchase more than one Lot, during the space of one Year after the said Five and twentieth Day of *February*, except his Excellency *Francis Nicholson*, Esq; Governor of this Province, who shall have the next immediate Choice of One, Two, or Three Lots in each or either of the said Towns, if his Excellency so pleases. After which, the Lots shall be taken up by the Inhabitants of the Counties only, during Six Months after laying out the same. And if the Inhabitants shall not take up the same Lots in the Time aforesaid, it shall then be free for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner proportionably for the same.

Owners refusing to sell, the Lands to be valued by a Jury.

IV. **And** in case any Person or Persons shall wilfully refuse to make Sale of any such Lands herein before mentioned; or any Person or Persons, through Non-age, Coverture, or *Non sane Memorii*, or other Impediment or Disability whatsoever, that then the Commissioners aforesaid, nominated for each respective Town, are hereby authorized, by virtue of this Act, to issue out Warrants to the Sheriffs of the said Counties, to impower him to impannel and return a Jury of Free-holders, to appear before the said Commissioners; which Jury, upon their Oaths, to be administered by the said Commissioners, are to enquire and assess such Damages and Recompence as they shall think fit, to be awarded to the Owners, and all Persons interested, according to their several and respective Interests in the said Land or any Part thereof. And what Sum of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the said Owners and Persons interested, by such Person or Persons, as shall take up the said respective Lot or Lots proportionably thereunto.

Rights of the Purchasers how secured.

V. **And** the said Commissioners, or the major Part of them, are hereby impowered, by respective Warrants under their Hands and Seals, to summon the Surveyor-General, or the Surveyor of the County, to survey and lay out the said One Hundred Acres, in the Places aforementioned, in Manner and Form as aforesaid, to be marked and staked out as aforesaid. And when the same is so Surveyed and Laid out as aforesaid, and Valued as aforesaid, that then, whosoever shall make choice of any such Lot as aforesaid, and make Entry thereof, before and with the Officer and Person, as by the Commissioners shall be appointed to keep the Book for Entry of the same, and pay such Sum, or Quantity of Tobacco, as shall, by the Discretion of the Commissioners, be rated upon such Lot, and payable to the Owner of the said

CHAP. VIII.

Land; and on such Lot shall build one Twenty Foot square Dwelling-House at least, within Twelve Months after taking up the same, unless such Building be larger than herein expressed, shall, by Virtue thereof, and of the Building and Finishing as aforesaid, invest the Taker-up and Builder as aforesaid, with an Estate of Inheritance in the said Lot, to him, his Heirs and Assigns, for Ever; and be a perpetual Bar to the Owners and Persons interested in the said Lands, either within or without this Province, even against his Lordship the Right Honourable CHARLES Lord Baron of *Baltimore*, Lord Proprietary of this Province, his Heirs and Successors; yielding and paying to the said Lord Proprietary, his Heirs and Successors for ever, the yearly Rent of One Penny current Money for each respective Lot as aforesaid. And that the Surveyors of each Town and Port as aforesaid, shall have and receive such Fees and Rewards, for laying out and staking the Towns and Lots as aforesaid, as the said Commissioners shall allow and settle, and no more.

Privilege of Inhabitants in Payment of Tobacco.

VI. **And** any Person or Persons that shall build and inhabit in such Port or Town, and shall owe any Sum or Sums of Tobacco, and will pay the same in such Town, he shall be allowed Ten per Cent, for every Hogshead of Four Hundred Weight, and upwards, so paid in Towns, to be deducted out of the Debt aforesaid, or pleadable in Bar of the Creditor.

Rights of former Purchasers confirmed.

VII. **And be it further Enacted** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That any Person or Persons, that have heretofore taken up any Lot or Lots, in either of the Towns, by Virtue of any former Law of this Province, and built thereon, according to the same former Law, they, and every of them, their Heirs and Assigns, shall have and enjoy a good and sure Estate and Inheritance to them, and their Heirs for ever, under the Rents and Services herein mentioned: And the several Lots, so built on, shall be deemed and taken as Part of the One Hundred Lots as aforesaid, and the same Town laid out as conveniently thereunto as may be.

Town-Common.

VIII. **And be it further Enacted** *by the Authority aforesaid,* That at the Town and Port at *Severn* in *Ann-Arundel* County, shall be bought, or valued by the Jury, as before in this Act is mentioned, all that Parcel or Neck of Land, within *Leavy-Neck-Cove* and *Acton*'s Cove, lying and adjoining, or near, to the said Town Land as aforesaid, or so much thereof as by the Commissioners shall be found convenient, to be fenced in, and called *The Town-Common*, or *Pasture*, and Paid for, and Fenced in, at the Public Charge: And shall be for the public Use and Service, when Need shall require. And that the Inhabitants of the said Towns shall not raise any Stock of Cattle or Hogs, Horses or Sheep, more than what they can contain and raise upon their respective Lot or Lots, and not more, at the Discretion of the Commissioners of the said Towns.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

Passed 18th *October* 1694.

An Act impowering Richard Bishop, *of* Talbot *County, Brother and Heir of* William Bishop, *late of* Talbot *County, Deceased, to sell and dispose of so much Land as will amount to Fifty Thousand Pounds of Tobacco, for the Payment of the Charges expended in recovering of the said Estate. Lib.* LL. N° 2. *fol.* 76. *PR.*

CHAP. X.

Ditto.

An Act for Tonnage, and ascertaining Naval Officers Fees. Lib. LL. N° 2. *fol.* 79. *REP.*

The 3*d.* per Ton on Shipping is confirmed to the Governor, by 1704, *ch.* 88.

CHAP.

CHAP. XI.

An Additional ACT to the * Act for Quieting Possessions. *Lib.* LL. N° 2. *fol.* 79. Passed 18th *October* 1694.

* 1674, *ch.* 2.

WHEREAS, at a General Assembly, begun and held at *St. Mary's*, in the Province of *Maryland*, the Twenty-seventh Day of *March* in the Nine and thirtieth Year of the Dominion of CÆCILIUS, *&c. Annoq; Domini* 1671, it was then and there, amongst other Things, Enacted *(viz.) An Act for Quieting Possessions*; which Act did assure and confirm all Estates made by real Purchasers of all Lands, Tenements and Hereditaments whatsoever, before the Day of the Date thereof, and not after. Preamble, reciting the Acts of 1671, *ch.* 6,

II. **And whereas**, at a General Assembly, held at the City of *St. Mary's*, the Thirteenth Day of *April*, in the Two and fortieth Year of the Dominion of CÆCILIUS, *&c. Annoq; Domini* 1674, entitled, *An Act of Enrolling Conveyances, and Securing the Estates of real Purchasers*, it was therein contained, amongst other Things, *(viz.)* That all that from thenceforth should purchase any Land of Inheritance, should purchase the same by Deed Indented, or other sure Deed, and enroll the same in the County where the Land lieth, or in the Provincial Court, or the principal Heads of the same Deed, clearly shewing and declaring the Manner how Lands should pass from Man to Man. and 1674, *ch.* 2.

III. **And forasmuch** as the same Law did not provide for the Security of all those Titles that did pass from Man to Man, from the Twenty-seventh Day of *March*, One Thousand Six Hundred and Seventy-one, until the Thirteenth Day of *April*, in the Year of our Lord One Thousand Six Hundred Seventy and Four, nor no other Law extant for securing those Titles, being under the same Circumstances as those of One Thousand Six Hundred and Seventy-one. We the Deputies and Delegates of this present General Assembly, do pray that it may be Enacted;

IV. **And be it Enacted** *by the King and Queen's most excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same*, That the aforesaid Law, entitled, *An Act for Quieting of Possessions*, and all the Branches and Provisoes therein contained, be in full Force and Virtue until the Thirteenth Day of *April*, in the Year of our Lord One Thousand Six Hundred Seventy-four, and not after. The Act of 1671, *ch.* 6, continued in Force till the 13th *April* 1674.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XII.

An Additional Act to the Act for Religion. REP. 1695, *ch.* 1. Passed 18th *October* 1694.

To be in Force 3 Years, *&c.* but repealed by the new Act as above.

CHAP. XIII.

An Act for settling a Revenue on their Majesty's present Governor. EXP. Ditto.

Viz. 3 *d.* Sterling per Hogshead on all Tobaccoes exported, over and above the 1 *s.* per Hogshead granted by 1692, *ch.* 7. To continue 3 Years, *&c.*

CHAP. XIV.

Act Act for appointing Rangers for the Defence of this Province. REP. 1695, *ch.* 23. Ditto.

CHAP. XV.

*An Act confirming the Acts of the last Session of Assembly of this Province, now remaining upon Record in the Secretary's Office, to be the * Body of Laws, until the same shall arrive from* England. *OBS.* Ditto.

* *Viz.* The Copy of those Laws of 1692, marked L, bound up with *Lib.* WH, and for Distinction marked in the References of that Year, WH *and* L*: The original Laws having by Mistake been sent to *England*, it was necessary to give a Sanction to the above Copy, till an exact One could be had from the Plantation Office at *Whitehall*, which accordingly came in attested by Sir *Thomas Lawrence*, Secretary of the Province, in the Year 1696. See the Note at the Beginning of the Year 1692.

CHAP. XVI.

Paſſed 18th *October* 1694. *An Act for reviving the Temporary Laws of this Province.* EXP.

Viz. 1692, *ch.* 12, 26, 28, 33, 34, 45, 46, 53, 54, 55, 61, 68, 77, 79, and 83; all which are hereby continued for 3 Years, or to the End of the next Seſſion, *&c.*

CHAP. XVII.

Ditto. *An Act for repealing certain Laws of this Province.*

Viz. 1692, *ch.* 23, 44, 51, 80, and 85.

CHAP. XVIII.

Ditto. *An Act for Appeals, and regulating Writs of Error.* EXP.

For 3 Years, or to the End of the next Seſſion, continued 1695, *ch.* 16. By this the Act of 1692, *ch.* 9, was repealed. A new Act was made 1699, *ch.* 18.

CHAP. XIX.

Ditto. *An Act for the Impoſition of Four Pence per Gallon on Liquors imported into this Province.* EXP.

For raiſing Money for building and repairing Court-Houſes, Free-Schools, Bridewells, or ſuch public Services. For 3 Years, or to the End of the next Seſſion. Continued 1695, *ch.* 16. Repeals the Act of 1692, *ch.* 22. A new Act made 1695, *ch.* 20.

CHAP. XX.

Ditto. *An Act to prevent the great Evil occaſioned by the Multiplicity of Horſes within this Province.* EXP.

For 3 Years, or to the End of the next Seſſion. Continued 1695, *ch.* 16, and 26. A new Act 1699, *ch.* 14.

CHAP. XXI.

Ditto. *An Act for regulating Ordinaries, and limiting the Number of them within this Province.* EXP.

For 3 Years, or to the End of the next Aſſembly. This Act gave the Ordinary Licence Money to the Secretary, for the Time being. See the Note on 1692, *ch.* 42. A new Act made 1695, *ch.* 5.

CHAP. XXII.

Ditto. *An Act prohibiting the Inhabitants of this Province, or any others, from carrying Liquor to the* Indian *Towns and Cabins.* EXP.

For 3 Years, or to the End of the next Seſſion. Continued 1695, *ch.* 16, and 26. A new Act 1699, *ch.* 28.

CHAP. XXIII.

Ditto. *An Act for laying an Impoſition on ſeveral Commodities exported out of this Province.* REP. 1695, *ch.* 22.

Viz. On Furs, Beef, Bacon, *&c.* for the Maintainance of Free-Schools. A new Act 1695, *ch.* 22.

CHAP. XXIV.

Ditto. *An Act for the Puniſhment of Blaſphemy, Fornication and Adultery.* REP.

A new Act 1699, *ch.* 36.

CHAP. XXV.

Ditto. *An Act concerning thoſe Servants that have Baſtards.* REP.

This Act repeals 1692, *ch.* 49.

CHAP. XXVI.

Ditto. *An Act againſt Striking of Fiſh in* Dorcheſter *and* Somerſet *Counties.* REP. 1696, *ch.* 15.

CHAP. XXVII.

Ditto. *An Act for Eaſement of the Inhabitants of this Province in Teſtamentary Affairs.* REP.

Viz. By impowering Deputy-Commiſſaries to paſs Accounts of Eſtates, not exceeding 50*l.* Sterl.

CHAP. XXVIII.

Ditto. *An Act for Relief of Debtors.* REP.

This Act was nearly to the ſame Effect as 1713, *ch.* 3, §. 1, 2, and 3.

CHAP. XXIX.

Ditto. *An Act for ſettling Aſſemblies and Provincial Courts, and erecting a Court-Houſe at* Ann-Arundel *Town, in* Ann-Arundel *County.* REP.

A new Act made 1699, *ch.* 19.

CHAP. XXX.

Ditto. *An Act for ſpeedy and eaſy Juſtice for ſmall Debts.* EXP.

For 3 Years, or to the End of the next Seſſion. Continued 1695, *ch.* 16, and 26. A new Act 1696, *ch.* 21.

CHAP. XXXI.

Ditto. *A Supplicatory Act to their Sacred Majeſties, for erecting of Free-Schools.* REP. 1696, *ch.* 17.

CHAP.

CHAP. XXXII.

*A Supplementary Act to the * Act for Encouragement of such Persons as will undertake to build Water-Mills.* Passed 18th *October* 1694.

* 1692, *ch.* 78. A new Law including both made 1699, *ch.* 40.

CHAP. XXXIII.

An Act for the Assessment of the public Charge of this Province. OBS. Ditto.

At a Session of ASSEMBLY, begun and held at *Ann-Arundel* Town, in *Ann-Arundel* County, on the last Day of *February*, in the Sixth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King and Queen, Defenders of the Faith, &c. *Annoque Domini* 1694, and ended the 1st Day of *March* following, were Enacted the following Laws.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. XXXIV.

An Act for the continuing of the late discontinued Process and Proceedings of St. Mary's *County Court. Lib.* LL. N° 2. *fol.* 81. Passed 1st of *March* 1694. — 5

CHAP. XXXV.

An Act for the Naturalization of Daniel Daniſon, *senior, and* Daniel Daniſon, *junior, of* Calvert *County. Lib.* LL. N° 2. *fol.* 83. *PR.* Ditto.

CHAP. XXXVI.

An Act for reviving certain Laws. EXP. Ditto.

At a Session of ASSEMBLY, begun and held at the Port of *Annapolis*, the 8th Day of *May*, in the 7th Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King and Queen, Defenders of the Faith, &c. *Annoque Domini* 1695, and ended the 22d Day of the same Month, the following Acts were made. 1695.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. I.

An Additional Act to the Act for Religion. REP. 1696, *ch.* 18. Passed 22d *May* 1695.

This Act repeals the Acts of 1692, *ch.* 66. and 1694, *ch.* 12. and together, with its original Act of 1692, *ch.* 2, was repealed as above.

CHAP. II.

An Act for settling Ann-Arundel *County Court at the Port of* Annapolis, *within the same County. Lib.* LL. N° 2. *fol.* 84. Ditto.

N. B. By this Act, (1.) The Justices of *Ann-Arundel* County, at their next Meeting, were to adjourn themselves, from the Place where the same Court should then be held, to the Port of *Annapolis* upon *Severn* River, in *Ann-Arundel* County, and there, at the said Port, in the Court House

CHAP. II. House of the Province, hold and keep the said County Court, and so all County Courts for the said County, shall for ever hereafter, be held and kept at the said Port of *Annapolis*, at *Severn* River aforesaid, in *Ann-Arundel* County aforesaid, and at no other Place whatsoever in the said County. (2.) The Records of the said County to be removed to the said Port, there to be kept, *&c.* (3.) The Parish Church to be built within the said Port, in such Place as shall be thought fit and convenient by the present Governor. (4.) Which Port shall for ever hereafter be denominated, called and known by the Name of the Port of *ANNAPOLIS*, and by no other Name or Distinction whatsoever.

CHAP. III.

Passed 22d *May* 1695. *An Act for securing Executors and Administrators from double paying of Debts, and limiting the Time for Payment of Obligations within this Province. Lib.* LL. N° 2. *fol.* 85. *REP.*

N. B. The first Part of this Act, relating to Executors, *&c.* is re-enacted *verbatim* in the present Testamentary Act of 1715, *ch.* 39. §. 42. And the latter Part enacted, that Bonds and other Obligations under Hand and Seal, not renewed within every five Years, should not be suable or impleadable in any Court, *&c.*

CHAP. IV.

Ditto. *An Additional Act to the Act for better Administration of Justice in Probat of Wills, Granting of Administrations, Recovering of Legacies, and Securing of Filial Portions. EXP.*

For 3 Years or to the End of the next Session. Continued 1695, *ch.* 26. The original Law of 1692, *ch.* 3, together with this, was re-enacted 1699, *ch.* 1.

CHAP. V.

Ditto. *An Act for regulating of Ordinaries, and limiting the Number of them within this Province. REP.*

This Act gave the Ordinary Licence Money to the Secretary. A new Act made 1699, *ch.* 35. A Supplementary Act 1698, *ch.* 9.

CHAP. VI.

Ditto. *An Act restraining the frequent Assembling of Negroes within this Province. EXP.*

For 3 Years, or to the End of the next Session. Continued 1695, *ch.* 26.

CHAP. VII.

Ditto. An Additional ACT to the * Act for Ports. *Lib.* LL. N° 2. *fol.* 88.

* *Viz.* 1694, *ch.* 8, the Title of which is here mis-quoted.

Oxford to be laid out anew. BE it Enacted *by the King and Queen's most excellent Majesties, by and with the Advice and Consent of this present General Assembly, and the Authority of the same*, That the Town Land at *Oxford*, in *Talbot* County, constituted and appointed a Town and Port by a former Act of Assembly, made at a Session of Assembly, begun and held at the City of *St. Mary*'s, the One and twentieth Day of *September*, in the Year of our Lord One Thousand six Hundred ninety four, be again surveyed and laid out, *that is to say*, some Time before the last Day of *September* next, before the Commissioners in the afore recited Act nominated and appointed, bounding the same at Low-Water-Mark, including the Island, and so to the old bounded Tree at the Southernmost Part of the Neck.

Ship-yards to be reserved in *Oxford* and *Ann-Arundel*. II. And, That as well in the said Port and Town, as in the Port and Town of *Ann-Arundel*, there be One or more Places laid out and reserved, as the Commissioners of the respective Ports shall think fit, for the Building of Ships and other Vessels.

Naval Officers to reside there. III. And, That the Officers of the Lord Proprietary, for receiving the Duties due and payable to his said Lordship, be hereby obliged, by themselves, or Deputies thereunto authorized and appointed, to reside at the said Ports and Towns, for the Dispatch of Ships and other Vessels Entering and Clearing at such Ports and Towns as aforesaid.

Ann-Arundel to be called *Annapolis*, and *Oxford* by the Name of *Williamstadt*. IV. And be it also Enacted *by the Authority aforesaid*, That the Two Ports of *Ann-Arundel* and *Oxford*, for the future, shall be called, known and distinguished by the Names or Appellations of *ANNAPOLIS*, and *WILLIAMSTADT*; *that is to say*, the Port of *Ann-Arundel* to be called by the Name of *Annapolis*, and *Oxford* by the Name of *Williamstadt*.

V. And

V. And, that there be purchaſed to the ſaid Town of *Williamſtadt*, One Hundred Acres of Land, adjacent to the ſaid Town, for a Common or Paſture for the Benefit of all Perſons within this Province that ſhall repair to the ſaid Town. And that the ſame be laid out as above expreſſed, and that Six Acres of the ſame be reſerved for Public Buildings. CHAP. VIII. Town Common.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

An Act for the raiſing a Supply towards defraying the public Charges of this Province. EXP. Paſſed 22d of *May* 1695.

Viz. By a Tax upon Officers, for 3 Years, or to the End of the next Seſſion. Continued by 1695, *ch.* 26. A Supplementary Law 1696, *ch.* 11. It was farther continued in 1696, for 3 Years certain, and expired in 1699, when it appearing that conſiderable Arrears were due from many Officers in the ſeveral Counties, the ſame were, by the Aſſembly, ſold to ſeveral Gentlemen, for certain Sums paid down, who were impowered by two Acts, *viz.* 1699, *ch.* 2, and 37. to recover the ſame from the reſpective Officers concerned, in their own Names, and to their own Uſe.

CHAP. IX.

An Act for the laying an Impoſition upon Negroes, Slaves, and White Perſons imported into this Province. EXP. Ditto.

Viz. 2 *s.* 6 *d.* Sterling per Poll on white Servants, and 10 *s.* per Poll on Negroes imported; to be applied to the Building of a State-Houſe, and defraying other public Dues. For 3 Years, or to the End of the next Seſſion. Continued 1695, *ch.* 26. A new Act 1696, *ch.* 7.

CHAP. X.

An Act for the Naturalization of Matthias Matthiaſon, *alias* Freeman, Peter Golley, John *and* Joſeph Gouttee, *and* Joſeph *and* John, *Sons of the ſaid* Joſeph Gouttee, *and* Leonard Camperſon. *Lib.* LL. N° 2. *fol.* 90. *PR.* Ditto.

CHAP. XI.

An Act aſcertaining the Fees of Naturalization. Lib. LL. N° 2. *fol.* 91. *REP.* Ditto.

A new Act made 1704, *ch.* 74.

CHAP. XII.

An Act for the Aſſeſſing Three Pence per Hogshead upon Tobacco, towards defraying the public Charge of this Province. EXP. Ditto.

For one Year only.

CHAP. XIII.

An Act for the Diviſion and Regulating ſeveral Counties within this Province, and conſtituting a County, by the Name of Prince George's *County within the ſame Province. Lib.* LL. N° 2. *fol.* 92. Ditto.

N. B. By this Act (1.) From and after the 23d *April* 1696, the Bounds of ST. MARY's County, ſhall begin at *Point Look-out*, and extend itſelf up *Patowmack* River, to the lower Side of *Bud*'s Creek, and ſo over by a ſtrait Line drawn from the Head of the main Branch of the ſaid *Bud*'s Creek, to the Head of *Indian* Creek, in *Patuxent* River; including all that Land lying between *Patuxent* and *Patowmack* Rivers, from the lower Part of the ſaid two Creeks and Branches of *Bud*'s and *Indian* Creek, by the Line aforeſaid, and *Point Look-out* as aforeſaid. *St. Mary's.* (2.) Upon the Upper Side of the ſaid *Indian* Creek and *Bud*'s Creek, ſhall the Bounds of CHARLES County begin, where the upper Bounds of *St. Mary*'s ends; and extend itſelf upwards as far as *Mattawoman* Creek and Branch, and bounding on the ſaid Branch by a ſtrait Line drawn from the Head thereof, to the Head of *Swanſon*'s Creek, in *Patuxent* River; including all that Land lying on the upper Part of *Bud*'s Creek and *Indian* Creek Branches, where *St. Mary*'s County ends, to the lower Side of *Mattawoman* Creek and Branch, and *Swanſon*'s Creek and Branch, between *Patuxent* and *Patowmack* Rivers, as aforeſaid. *Charles.* (3.) The Land from the upper Side of *Mattawoman* and *Swanſon*'s Creek and Branches, extending upwards, bounded by *Patowmack* on the Weſt, and by *Patuxent* River on the Eaſt, ſhall be, and is hereby conſtituted, founded and incorporated into a County of this Province, and ſhall be denominated, called and known, by the Name of PRINCE-GEORGE's County; and ſhall, from and after the ſaid 23d Day of *April* next enſuing, being *St. George*'s Day, have and enjoy all other Rights, Benefits and Privileges, equal with the other Counties of this Province: Such as ſending Burgeſſes to Aſſemblies, having County Courts, Sheriffs, Juſtices and other Officers and Miniſters requiſite and neceſſary, and as are uſed in other Counties of this Province. *Pr.-George's.* (4.) Commiſſioners appointed, who ſhall, at or before the ſaid 23d Day of *April*, cauſe the ſaid Two Lines, from the Head of *Bud*'s Creek Branch, to the Head of *Indian* Creek Branch, and from the Head of *Mattawoman* Branch to *Swanſon*'s Creek Branch, fully to be marked and lined by a double Line of marked Trees, that the ſame may be known and perceived by all Perſons, deſiring to know the ſame; and ſhall return a Certificate of the due Courſes thereof, one to each County concerned, and one more Certificate to the Governor and Council, to be recorded in the Council Records, and each County Court's Records, as aforeſaid. (5.) *St. Mary*'s County Court to be held for ever hereafter at the State-Houſe of the City of *St. Mary*'s, being hereby allowed and appointed to the County of *St. Mary*'s for holding and keeping their Courts in, and ſuch other decent Services, as to the Juſtices of the ſame County, in full Court, ſhall be conſented and agreed to. (6.) The *Iſland of Kent* to be added

CHAP. XIII. added to, and made Part of TALBOT County. (7.) That Part of *Talbot* County lying on the North Side of *Corsica* Creek, running up the main Eastern Branch to the Head thereof, and then with a Course drawn East, to the Outside of this Province, shall be the Southerly Bounds of the *Kent.* County of KENT, and on the North by the County of *Cæcil.* (8.) Commissioners appointed to cause the Bounds between *Kent* and *Talbot* Counties to be run out and marked by a double Line of Trees, and return Certificate thereof as aforesaid.

CHAP. XIV.

Passed 22d of *May* 1695. *An Act for laying the public Levy. OBS.*

CHAP. XV.

Ditto. *An Explanatory Act to the * Act of Repeal of all Laws heretofore made in this Province, and Confirming all Laws made by this General Assembly. Lib.* LL. N° 2. *fol.* 96. *REP.*

* 1692, *ch.* 84. By this Act, the several Acts of Naturalization, and all other private Acts whatsoever, heretofore made, were confirmed, ratified, *&c.* in full Force; any Act or Acts heretofore made to the contrary notwithstanding.

CHAP. XVI.

Ditto. *An Act for reviving the Temporary Laws of this Province. EXP.*

The following Acts, *viz.* 1692, *ch.* 12, 26, 28, 33, 34, 45, 46, 53, 54, 55, 61, 68, 77, 79, and 83; and 1694, *ch.* 13, 18, 19, 20, 22, and 31, are hereby continued 3 Years, or to the End of the next Session.

CHAP. XVII.

Ditto. *An Additional Act to the † Act for regulating the Militia of this Province. EXP.*

† 1692, *ch.* 83. This Act to be in Force 3 Years, or to the End of the next Session. Continued 1695, *ch.* 26. A new Act 1699, *ch.* 47.

Burnet O. L. V. 4. 201.

Queen Mary died on the 28th December 1694.

At a Session of ASSEMBLY, begun and held at the Port of *Annapolis* on Tuesday the 3d Day of *October*, in the 7th Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King and Queen, Defenders of the Faith, *&c. Annoque Domini* 1695, and ended on Saturday the 19th Day of the same Month, were Enacted the following Laws.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. XVIII.

Passed 19th *October* 1695. *An Act for regulating the Proceedings of the Provincial Court, and lessening the Charge of Evidences Attendance. EXP.*

For 3 Years, or to the End of the next General Assembly.

CHAP. XIX.

Ditto. *An Act for Appeals, and regulating Writs of Error. EXP.*

For 3 Years, or to the End of the next General Assembly. A new Act made 1699, *ch.* 10.

CHAP. XX.

Ditto. *An Act for the Imposition of Four Pence per Gallon on Liquors imported into this Province. EXP.*

For 3 Years, *&c.* for raising Money for building and repairing Court Houses, Free Schools, Bridewells, or such Public Services.

CHAP. XXI.

Ditto. *An Act for Securing several Persons Rights to Town Lands. Lib.* LL. N° 2. *fol.* 104.

N. B. This Act is the same, *mutatis mutandis*, with the Act of 1715, *ch.* 32, §. 1, 2, and 3.

CHAP. XXII.

Ditto. *An Act for laying an Imposition on several Commodities exported out of this Province. Lib.* LL. N° 2. *fol.* 98. *REP.* 1704, *ch.* 27, §. 10.

This Act repeals the Act of 1694, *ch.* 23, and is the same, *mutatis mutandis*, with the Act of 1704, by which it is repealed.

CHAP.

CHAP. XXIII.

An Act for appointing Rangers for the Defence of this Province. ***REP.*** Passed 19th *October* 1695.

This Act repeals the former Act of 1694, *ch.* 14.

CHAP. XXIV.

An Act impoſing the Duty of 10 per Centum, *upon all* European *Commodities exported out of this Province.* ***EXP.*** Ditto.

For 3 Years, or to the End of the next General Aſſembly. This Duty to be collected by the Naval Officers, and paid into the Hands of the Public Treaſurers, and by them to be accounted for, to the General Aſſembly, to be diſpoſed to ſuch Uſes, *&c.* for the Public Utility of the Province, as to the General Aſſembly ſhould ſeem meet.

CHAP. XXV.

An Act for the Naturalization of Michael Curtis, *and* * *Others.* *Lib.* LL. N° 2. *fol.* 106. *PR.* Ditto.

* *Viz. Michael Curtis* of *St. Mary's* County, *Alexander Forbas* of *Talbot* County, and *John Hans Steelman*, and *John* his Son, of *Cæcil* County.

CHAP. XXVI.

An Act for reviving the Temporary Laws of this Province. ***EXP.*** Ditto.

Viz. 1692, *ch.* 12, 26, 28, 33, 34, 45, 53, 54, 55, 77, and 79; 1694, *ch.* 13, 20, 22, and 31; and 1695, *ch.* 4, 6, 8, 9, and 17: Which are hereby continued for 3 Years, or to the End of the next Seſſion.

CHAP. XXVII.

An Act for the Payment of Three Hundred and Thirty-three Pounds Six Shillings and Eight Pence Sterling, towards the Maintainance of his Majeſty's Forces at New-York. ***OBS.*** Ditto.

CHAP. XXVIII.

An Act for Paying and Aſſeſſing the Public Levy of this Province. ***OBS.*** Ditto.

At an ASSEMBLY held at the Town and Port of *Annapolis*, the 30th Day of *April*, in the 8th Year of the Reign of our Sovereign Lord King WILLIAM the Third, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini* 1696, and ended the 14th Day of *May* following. 1696.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. I.

An Act for ſpeedy Juſtice, and Encouragement of Trade. *Lib.* LL. N° 2. *fol.* 109. *REP.* Paſſed 14th *May* 1696.

N. B. The Act of 1704, *ch.* 31, includes the Subſtance of this Act, ſo far as relates to the ſpeedy Recovery of Debts in the County Courts, by ſerving a Copy of the Declaration along with the Writ, as directed in the Act of 1715, *ch.* 41, §. 3.

CHAP. II.

An Act appointing the Commiſſioners of the Counties, to return a Copy of their County Levy, and the ſeveral Veſtries a Copy of their Proceedings, yearly, to the Governor and Council. ***REP.*** Ditto.

N. B. The Purport of this Act is directed 1704, *ch.* 34, §. 2, 3, and 5.

CHAP. III.

An Act to prevent People driving away Horſes in the Woods. ***REP.*** Ditto.

CHAP. IV.

An Act for reviving the Temporary Laws of this Province. Ditto.

CHAP. V.

An Act for Aſſeſſing Three Pence per Hogshead on Tobacco, towards the defraying of the public Charge of this Province. Ditto.

CHAP. VI.

An Act for the Naturalization of John Edgar, *of* Somerſet *County.* *Lib.* LL. N° 2. *fol.* 111. *PR.* Ditto.

CHAP. VII.

Passed 14th *May* 1696. *An Act for laying an Impoſition on Negroes, Slaves and White Perſons imported.* *REP.*

Included in the Act of 1699, *ch.* 23.

CHAP. VIII.

Ditto. *An Act impowering the Commiſſioners of* Kent *County, to purchaſe three Acres of Land, whereon to build a Court-Houſe. Lib.* LL. N° 2. *fol.* 107. *OBS.*

CHAP. IX.

Ditto. *An Act explaining Part of an Act of Aſſembly, impoſing a Duty of* 10 per Centum *upon all* European *Goods exported.* *EXP.*

See the Original Act of 1695, *ch.* 24.

At a Seſſion of ASSEMBLY, begun and held at the Port of *Annapolis*, on the 1ſt Day of *July*, in the 8th Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoq*; *Domini* 1696, and ended the 9th Day of the ſame Month.

FRANCIS NICHOLSON, Eſq; Governor.

CHAP. X.

Paſſed 8th of *July* 1696. *An Act for ſanctifying and keeping Holy the Lord's Day, commonly called Sunday.* *Lib.* LL. N° 2. *fol.* 111. *REP.* 1723, *ch.* 16.

N. B. This Act was continued, notwithſtanding the general Repeal, by 1704, *ch.* 94; was made perpetual by 1704, *ch.* 100; and was at length Repealed as above.

CHAP. XI.

Ditto. *A Supplementary Act to the Act for raiſing a Supply for defraying the public Charge of this Province.* *EXP.*

See the Original Act 1695, *ch.* 8.

CHAP. XII.

Ditto. *An Act prohibiting all manner of profane Curſing and Swearing.* *REP.* 1698, *ch.* 19.

CHAP. XIII.

Ditto. *An Act for ſettling the Clerk of the Council's Fees.*

CHAP. XIV.

Ditto. *An Act for reviving the Temporary Laws of this Province.* *EXP.*

CHAP. XV.

Ditto. *An Act for repealing the* * *Act againſt ſtriking of Fiſh in* Dorcheſter *and* Somerſet *Counties.*

* *Viz.* 1694, *ch.* 27.

CHAP. XVI.

Ditto. *An Act for Aſſeſſing the public Charge of this Province.* *OBS.*

CHAP. XVII.

Ditto. A Petitionary ACT for Free-Schools. *Lib.* LL. N° 2. *fol.* 115.

To His Moſt Excellent Majeſty, &c.

DREAD SOVEREIGN,

Petitionary Preamble. FROM the Sincerity of our humble and loyal Hearts, we offer to your ſacred Perſon, our moſt dutiful and ſincere Thanks, for your Royal Care and Protection to us, for your Majeſty's Princely Zeal and Pious Care of our Mother the Church of *England*, and extending your Royal Benediction

CHAP. XVII.

nediction to our neighbouring Colony, your Majesty's Subjects and Territory of *Virginia*, in your gracious Grant and Charter for the Propagation of the College, or Place of universal Study, in that your Majesty's said Colony. In humble Contemplation whereof, and being excited by his present Excellency *Francis Nicholson*, Esq; your Majesty's Governor of this your Province, his Zeal for your Majesty's Service, pious Endeavours and generous Offers for the Propagation of Christianity and good Learning, herein we become humble Suitors to your most sacred Majesty, to extend your Royal Grace and Favour to us your Majesty's Subjects of this Province, represented in this your Majesty's General Assembly thereof, That it may be Enacted,

A Free-School to be founded at *Annapolis*, by the Name of *King William's School.*

II. **And may it be Enacted**, *by the King's most excellent Majesty, by and with the Advice, Prayer and Consent of this present General Assembly, and the Authority of the same*, That for the Propagation of the Gospel, and the Education of the Youth of this Province in good Letters and Manners, that a certain Place or Places, for a Free-School or Schools, or Place of Study of Latin, Greek, Writing, and the like, consisting of one Master, one Usher, and one Writing-Master or Scribe, to a School, and One Hundred Scholars, more or less, according to the Ability of the said Free-School, may be made, erected, founded, propagated and established under your Royal Patronage. And that the most Reverend Father in GOD *Thomas*, by Divine Providence Lord Archbishop of *Canterbury*, Primate and Metropolitan of all *England*, may be Chancellor of the said Schools; and that, to perpetuate the Memory of your Majesty, it may be called *King William's School*, and managed by certain Trustees, to be chosen and appointed by your sacred Majesty, *to wit*, ——— as also by the following Trustees, nominated and appointed by this present General Assembly, *That is to say*, by your Majesty's said Governor, *Francis Nicholson*, Esq; the Honourable Sir *Thomas Lawrence*, Baronet, Col. *George Robotham*, Col. *Charles Hutchins*, Col. *John Addison*, of your Majesty's Honourable Council of this Province; the Reverend Divine, Mr. *Peregrine Cony*, and Mr. *John Hewett*, together with *Robert Smith*, *Kenelm Cheseldyne*, *Henry Coursey*, *Edward Dorsey*, *Thomas Ennals*, *Thomas Tasker*, *Francis Jenkins*, *William Dent*, *Thomas Smith*, *Edward Boothby*, *John Thompson*, and *John Bigger*, Gentlemen, or the greatest Part, or the Successors of them, upon and in a certain Place of this Province, called *Ann-Arundel* Town, upon *Severn* River, and at such other Place or Places, as by the General Assembly of this Province shall be thought convenient and fitting, to be supported and maintained in all Time coming. And that your Majesty will, for your Heirs and Successors, grant and give Leave to the said *Francis Nicholson*, Esq; and Trustees aforesaid, or the major Part or longest Livers of them, that they may be enabled to take, hold and enjoy, and that they may be apt and capable in Law, for taking, holding and enjoying, all Manors, Lands, Tenements, Rents, Services, Rectories, Portions, Annuities, Pensions, with all other Inheritances, Franchises and Possessions whatsoever, spiritual or temporal, to the value of Fifteen Hundred Pounds Sterling, and all other Goods, Chattels, Money and Personal Estate whatsoever, of the Gift of any Person whatsoever, that is willing to bestow them, for the said Use, or any other Gifts, Grants, Assignments, Legacies, or Appointment of the same, or any of them, or of any other Goods whatsoever, with this express Intention and Trust put in them, That the said *Francis Nicholson*, and other the Trustees aforesaid, or the major Part or the longest Livers of them, shall take and hold the Premises, and shall dispose of the same, and of the Rents, Revenues and Profits thereof, or of any of them, only for the defraying the Charges that shall be laid out in erecting and fitting the Edifices of the said Free-School or Schools, as they, or the major Part of them, shall think most expedient, until the said Free-School or Schools shall be actually erected, founded and established; and upon the Trust and Intention, that as soon as the said Free-School or Schools shall be erected and founded, the said *Francis Nicholson*, and other the Trustees above named, shall, from Time to Time,

Trustees appointed,

to be capable of holding Lands to the Value of 1500 *l.* Sterling,

and all other personal Estates given for the Support, *&c.* of Schools, in Trust, *&c.*

CHAP. XVII.

and at all Times hereafter, apply all Lands, Tenements, Rents, Annuities, Goods, Chattels, Profits, Incomes, or Advantages whatſoever, real or perſonal, or as much as ſhall not be laid out and beſtowed upon Building the ſaid Free-School or Schools as aforeſaid, as ſhall be hereafter expreſſed.

Donations how to be applied.

III. And, That when the ſaid Free-School or Schools, ſhall be ſo erected and eſtabliſhed, the ſaid *Francis Nicholſon*, and other the Truſtees above named, or the major Part or the longeſt Livers of them, ſhall apply and appropriate to the Uſe, Benefit and Maintainance, out of the Revenues or Incomes to the ſaid Truſtees for the Uſe aforeſaid, the Sum of One Hundred and Twenty Pounds Sterling *per Annum*, for the Salary, Support and Maintainance of the ſaid firſt mentioned Free-School, Maſter, Uſher and Scribe, and the neceſſary Repairs and Improvements of the ſame, as to the ſaid *Francis Nicholſon*, and Truſtees aforeſaid, the major Part or Survivors of them, ſhall ſeem expedient from Time to Time to ordain in the Premiſes.

Truſtees incorporated.

IV. And, That for the Uſes and Purpoſes aforeſaid, they the ſaid *Francis Nicholſon*, and the Truſtees aforeſaid, the Survivors, or the major Part of them, ſhall, and may be incorporated into a Body Politic, by the Name of the *Rectors, Governors, Truſtees and Viſitors of the* FREE-SCHOOLS *of* MARYLAND; with full Power to plead and be impleaded, to ſue and be ſued, to defend and be defended, to anſwer and be anſwered, in all and every Cauſe, Complaint and Action, real, perſonal or mixt, of whatſoever Kind or Nature it ſhall be, whatſoever Courts and Places of Judicature belonging to your Majeſty, your Heirs or Succeſſors, or by, from, or under your Royal Grant or Authority.

Their Power to beſtow or receive Donations,

V. And, That your Majeſty will be graciouſly pleaſed to give and grant your ſpecial Licence, as far as your Majeſty ſee expedient, to the ſaid *Francis Nicholſon*, Eſq; and the other Truſtees aforeſaid, that they, or any of them, or that any Perſon or Perſons whatſoever, after the ſaid Free-School or Schools is, or are ſo erected, founded and eſtabliſhed, or before, may have Power to give and grant, aſſign and bequeath all or any Manor, Lands, Tenements, Rents, Services, Portions, Annuities, Penſions, Inheritances, Franchiſes and Poſſeſſions whatſoever, ſpiritual or temporal, to the value of Fifteen Hundred Pounds Sterling per Year, beſides all Burthens, Repriſals, and Reparations, to them the ſaid *Francis Nicholſon*, and others the Governors, Truſtees, and Viſitors of the ſaid Free-Schools of *Maryland*, the major Part or Survivors of them incorporate, for the Uſes aforeſaid, to them and their Succeſſors for ever.

and to make Laws, &c. for the Government of the Schools.

VI. And further, That the ſaid *Francis Nicholſon*, and other the Governors, Truſtees and Viſitors aforeſaid, the longeſt Livers and Succeſſors of them, be the true, ſole and undoubted Viſitors, Truſtees and Governors of the ſaid Free-School or Schools, in perpetual Succeſſion for ever, to be continued in the Way and Manner hereafter ſpecified, with full and abſolute Power, Liberty and Authority in making and ordaining ſuch Laws, Orders and Rules, for the good Government of the ſaid Free-School or Schools, as to them the ſaid Truſtees, Governors and Viſitors aforeſaid, and their Succeſſors, ſhall from Time to Time, according to the various Occaſions and Circumſtances, ſeem moſt fit and requiſite. All which ſhall be obſerved by the Maſter, Uſher, Tutors and Scholars of the ſaid School, upon the Penalties therein contained.

Proviſo.

VII. Provided notwithſtanding, That the ſaid Rules, Laws and Orders, be no ways contrary to your Majeſty's Prerogative Royal, nor to the Laws and Statutes of your Majeſty's Kingdom of *England*, or Province of *Maryland* aforeſaid, or to the Canons and Conſtitutions of the Church of *England* by Law eſtabliſhed.

VIII. And

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VIII. **And** that they, the said Governors and Visitors and Trustees aforesaid, and their Successors, shall for ever be Eighteen Men, and not exceeding Twenty in the whole, to be elected and constituted in the Way and Manner hereafter specified; of which one discreet and fit Person, that shall be called *Rector* of the said Free-School and Schools. And that, from Time to Time, and in all Times coming, the said Rector shall exercise the said Office during One Year (Death and legal Disability excepted) and after, till some others of the said Visitors and Governors of the said School and Schools shall be duly Elected, Preferred and Sworn to the said Office. And that, from Time to Time, and at all Times coming, after the said Year is expired, or after the Death of the said Rector, the Visitors or Governors of the said School or Schools, or the greatest Part of them, or their Successors, should have Power to Elect and Nominate another discreet and fit Person from amongst themselves, to be Rector of the said Free-School or Schools; and that he, who is so Elected, Preferred and Nominated into the Place of Rector as aforesaid, shall have Power to have, exercise, and enjoy, the said Office of Rector for one whole Year, except before excepted, then next ensuing; and thereafter until some other Rector of the said School or Schools shall be duly Elected, Preferred to, and Sworn in, the said Office.

The Governors, &c. not to be fewer than 18, nor more than 20, One of whom to be Rector,

to be annually Elected, and Sworn.

IX. **And** to perpetuate the Succession of the said Governors, Rectors and Visitors, that as often as one or more of the Governors or Visitors of the said School or Schools shall die or remove himself and Family out of this Province into any other Country for good and all, that then, and so often, the Rector for the Time being, and the other Visitors and Governors of the said Free-School and Schools, then surviving and remaining within the Province, or the major Part of them, shall and may have Leave to Elect, Nominate and Chuse, one or more of the principal and better Sort of the Inhabitants of the said Province, into the Place or Places of the said Visitors and Governors so Dead or Removed; and so to fill up the Number of the Visitors and Governors of the said School and Schools: And that he and they, so Elected and Chosen, shall take his and their corporal Oath before the Rector and other Visitors and Governors as aforesaid, or the major Part of them, *well and faithfully to execute the said Office:* Which Oath the Rector and two or more of the said Visitors shall have Power to administer. And that, after the taking the said Oath, he or they shall be of the Number of the said Visitors and Governors of the said School or Schools.

Succession of Governors, &c. provided for.

X. **And further,** That the said Rector, for the Time being, by and with the Advice and Consent of three or more of the said Governors and Visitors, shall and may, from Time to Time, and as often as Need shall require, and they see convenient, call and convocate the said Governors and Visitors together, to do, consult and consent to such Things, as for the Propagation, Good and Benefit of the said Free-School or Schools, shall be ordained and established. And that the said Governors and Visitors shall, and may hold such their Court or Convocation in such Free-School, or such Part thereof, as to them shall see convenient. And shall and may, from Time to Time, punish any Disorder, Breaches, Misdemeanors or Offences, of any Master, Usher, or Scribe, or Scholars, of any such Free-School or Schools, against any Orders, Laws or Decrees of the said Governors and Visitors aforesaid. And if they find Cause, to alter, displace and turn out, any Master, Usher or Scribe, of any such School or Schools, and put others in their Steads and Places, as to the said Rectors, Governors and Visitors of the said School or Schools, or the major Part of them, shall seem convenient and fitting.

Power of the Rector to call the Governors together.

Their Power in Convocation, to punish Disorders, &c.

XI. **And also,** That the said Rectors, Governors and Visitors of the said Free-School or Schools, and their Successors, shall have one common Seal, which they may make Use of in whatsoever Cause and Business, belonging to them and their Successors, relating to the said Office of Rector, Governors and

To have a common Seal.

CHAP. XVII.

and Visitors of the said Free-School and Schools. And that the said Governors and Visitors may have leave to break, change and renew their said Seal, from Time to Time, at their Pleasure, as they shall see most expedient.

Their Power and Duty in founding other Schools,

XII. **And further,** That it may please your Majesty to grant to the said Rector, Governors and Visitors aforesaid, of the said Free-School or Schools aforesaid, that as soon as they shall be enabled by any Gifts, Grants, Pensions, Donations, or Incomes, of any Manors, Lands, Tenements, or other Estate whatsoever, real or personal, exceeding the Sum of One Hundred and Twenty Pounds per Year, allotted and allowed for Support and Reparations of the first Free-School at *Severn*, as aforesaid; that then, as they shall be enabled as aforesaid, the said Rector, Governors and Visitors, shall proceed to erect, found and build, one other Free-School at the Town of *Oxford*, on the Eastern Shore of this Province, in *Talbot* County, or in such other Place of the same County, as to the said Rectors, Governors and Visitors aforesaid, shall seem most expedient. And, after the same shall be built, founded and established, to appropriate and apply to the said second Free-School (out of the Treasure accruing to them for the Benefit and Advantage of Free-Schools aforesaid, over and above the One Hundred and Twenty Pounds per Year, allowed as aforesaid, to the first Free-School) the like Sum of One Hundred and Twenty Pounds per Year, for the Benefit, Advantage and Support of such second Free-School, and shall and may place a Master, Usher, and Scribe therein, as in the other first Free-School, as aforesaid; and shall, in all Respects, be under the same Benefits, Privileges, Injunctions and Restrictions, as the said first Free-School.

first at *Oxford*,

and then in the several Counties.

XIII. **And also,** after the said second Free-School is built, erected, founded and furnished, the said Rectors, Governors and Visitors, shall as fast as they shall be enabled as aforesaid, proceed to the Erecting other and more Free-Schools in this Province, *That is to say*, in every County of this Province at present, one Free-School. And shall and may be impowered to establish, constitute, enjoin and restrain, to and under the same Benefits, Advantages, Instructions and Restrictions as aforesaid, and appropriate and apply such and so much of the said Revenue, not before disposed or ordained to each Free-School, as to them shall seem most convenient and expedient, not exceeding One Hundred and Twenty Pounds *per Annum*, as aforesaid.

The Supplicatory Act of 1694, *ch.* 31, repealed.

XIV. **And be it hereby Enacted** *by the Authority aforesaid*, That *a* * *Supplementary Act for Free-Schools*, made at a Session of Assembly, begun and held at the City of *St. Mary*'s, the Twenty-first Day of *September* 1694, be and is hereby utterly repealed and made void.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

* Thus it stands in the Record.

N. B. The Powers in §. 12 and 13, having never been carried into Execution, a new Act was made 1723, *ch.* 19, incorporating Visitors in each County.

CHAP. XVIII.

Passed 9th of *July* 1696.

An Act for the Service of Almighty GOD, and the Establishment of the Protestant Religion within this Province. Lib. LL. N° 2. *fol.* 125. *DISSENT.*

The Acts of 1692, *ch.* 2; and 1695, *ch.* 1, were hereby repealed. His Majesty's Dissent to this Law bears Date at the Court at *Kensington*, *November* 30th 1699, and as the Reason thereof, takes Notice, that "therein is a † Clause declaring all the Laws of *England* to be in Force in "*Maryland*; which Clause is of another Nature than that which is set forth by the Title in the "said Law." A new Act was made 1700, *ch.* 1, which was likewise Disapproved by his Majesty in Council; which was succeeded by the Act now in Force, of 1702, *ch.* 1.

† The Clause objected to, runs in these Words, *viz. And be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Church of* England, *within this Province, shall enjoy all and singular her Rights, Privileges and Freedoms, as it is now, or shall be, at any Time hereafter, established by Law in the Kingdom of* England: *And that his Majesty's Subjects of this Province shall enjoy all their Rights and Liberties, according to the Laws and Statutes of the Kingdom of* England, *in all Matters and Causes, where the Laws of this Province are silent.*

At

At a Seſſion of ASSEMBLY, begun and held at the Port of *Annapolis*, on the 16th Day of *September*, in the 8th Year of the Reign of our Sovereign Lord King WILLIAM the Third, *&c. Annoq; Domini* 1696, and ended the 2d Day of *October* following, were Enacted the following Laws.

FRANCIS NICHOLSON, Eſq; Governor.

CHAP. XIX.

A Supplicatory Act about the Commiſſary's Office. Paſſed 2d of *October* 1696.

CHAP. XX.

An Act for ſecuring the Parochial Libraries of this Province. REP. 1699, *ch.* 34.

CHAP. XXI.

An Act for ſpeedy Juſtice for ſmall Debts. REP. Ditto.

An additional Act 1697, *ch.* 2. A new Act 1699, *ch.* 24.

CHAP. XXII.

An Act relating to Bail to be taken by the Sheriffs in Action of Treſpaſs. Ditto.

CHAP. XXIII.

An Act for the better clearing of the Roads, and directing all Travellers through the Province. Ditto.

CHAP. XXIV.

An ACT for keeping good Rules and Orders in the Port of *Annapolis*. *Lib.* LL. N° 2. *fol.* 133. Ditto.

FOR the better ordering and regulating the Inhabitants of *Annapolis*, as well in ſeating and building the ſame, as otherwiſe;

II. Be it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame,* That the ſeveral Perſons in this Act mentioned, and their Succeſſors, ſhall, and are hereby impowered and authoriſed to be Commiſſioners and Truſtees, for the well ordering, and regulating, and propagating the ſaid Port of *Annapolis*, as well to the Building and Inhabiting the ſame, as to the peaceable and quiet Living and Reſiding therein; as alſo reſtrain and prevent all Diſorders and Diſturbances, and alſo all Inconveniences and Annoyances, with the Town and Port aforeſaid, by any Trades, or Employments, or Callings, that may cauſe Annoyance or Inconveniency to the Inhabitants, *That is to ſay, viz.* His Excellency *Francis Nicholſon*, Eſq; the Honourable Sir *Thomas Lawrence*, the Honourable *Nicholas Greenberry*, Eſq; the Honourable *Thomas Tench*, Eſq; Major *John Hammond*, Major *Edward Dorſey*, Mr. *James Saunders*, and Capt. *Richard Hill*, or any Five of them, who are by this Act conſtituted, authorized and incorporated into a Body-Corporate, in Deed and in Name, by the Name of the Commiſſioners and Truſtees for the Port and Town of *Annapolis*, to ſue and be ſued, to anſwer unto and be anſwered, in any Court of Record within this Province, touching or concerning any Lands, Tenements or Hereditaments, Goods, Chattels, Debts, Dues or Demands, accruing or being the Right or growing due to or from the ſaid Commiſſioners and Truſtees of the ſaid Port and Town of *Annapolis*, and Appurtenances in Right of the ſaid Town and Port, and not otherwiſe. To which End, they are hereby impowered and required to meet together, within the ſaid Port and Town, at ſuch convenient Place and Time, as to them ſhall ſeem meet and convenient.

Commiſſioners appointed; and incorporated,

III. And, to perpetuate the Succeſſion of ſuch Commiſſioners and Truſtees, Be it Enacted *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,*

by perpetual Succeſſion.

CHAP. XXIV.

aforeſaid. That when and as often as any one of the Commiſſioners and Truſtees ſhall Die, or depart the County or Province, ſo as he cannot execute the Truſt and Authority in this Act repoſed, one other fit and ſuitable Perſon, actually Living, Inhabiting, and Reſiding in the Town, being a Free-man of the ſame, and ſuch as is capable (either by Land or Eſtate) to ſerve as a Burgeſs, according to the Qualifications expreſſed in the Act of Aſſembly, in ſuch Caſe made and provided, ſhall be choſen in the Room of ſuch abſent or deceaſed Member, by the Majority of Voices of the Free-men and Inhabitants of the ſaid Port and Town, at ſuch Time and Place within the ſame, by the Commiſſioners and Truſtees as aforeſaid ſhall be appointed for that Purpoſe; of which Time and Place public Notice ſhall be given by the ſaid Commiſſioners.

Their Powers in purchaſing Lands, &c.

IV. **And** for the encouragement of the Inhabitants of the Town and Port aforeſaid, and to enable them to keep Stocks of Cattle, Horſes or Sheep, or ſuch like neceſſary Creatures for their neceſſary Uſe: **Be it likewiſe Enacted**, That it ſhall and may be lawful to and for the ſaid Commiſſioners or Truſtees, to purchaſe any Quantity or Quantities of Land next adjacent to the Town, and for Town Common; and to ſatisfy and pay for the ſame with Tobacco or Money, that now is, or hereafter ſhall be, raiſed for any Lot or Lots of Land taken up in the ſaid Town; or by any other Money or Tobacco by the free Gift of any Perſon, or otherwiſe accruing to the Uſe of the ſaid Town, or any other lawful Ways or Means whatſoever, ſo that the ſame be no ways Burthenſome or a Charge to the Public.

and valuing the ſame.

V. **And** in caſe the Owners of any ſuch Land be incapable of making Sale thereof, by any manner of Diſability or Incapacity whatſoever, or wilfully refuſing the ſame, being offered the full real Value thereof; then, and in ſuch caſes, it ſhall and may be lawful to, and for the ſaid Commiſſioners and Truſtees, to cauſe a Jury of Free-holders next adjacent, to be impannelled, and ſworn to value the ſaid Land according to the Directions and Appointment of a former Act of Aſſembly of this Province, intitled, * *An Act for ſettling Aſſemblies and Provincial Courts, and erecting a Court Houſe of* Ann-Arundel *Town, in* Ann-Arundel *County*, for purchaſing and valuing the Town Land and Paſture within the ſame, which Act alſo ſhall be Rules and Directions to the ſaid Commiſſioners and Truſtees for Purchaſing, Valuing and Paying for, the ſaid Town-Common; which ſaid Common, upon their performing the ſeveral Requiſites in the former Law directed, ſhall create and make a good, ſure, and abſolute Eſtate of Inheritance in Fee-ſimple, to the ſaid Commiſſioners and Truſtees, and their Succeſſors for ever, to the only proper Uſe, Benefit and Behoof of the ſaid Town, and Town People, for a Town, and to no other Uſe whatſoever.

* 1694, *ch.* 29.

Lots how to be paid for.

VI. **And** the better to enable the ſaid Commiſſioners and Truſtees to purchaſe and pay for the ſame, **be it likewiſe Enacted**, That all Perſon or Perſons holding any Lot or Lots of Land, or that ſhall hereafter take up or hold any in the Town aforeſaid, ſhall, for every Lot of Land he holds, or ſhall hold in the Town aforeſaid, pay to the Commiſſioners and Truſtees aforeſaid, towards the Purchaſing the Town-Common aforeſaid, the proportionable Part of the Value or Purchaſe of the ſaid Town-Common, proportionable to the Quantity of Land ſuch Perſon or Perſons holds in the ſaid Town, and ſhall thereby have Right Commonage upon the ſaid Town-Common, and not otherwiſe. And upon Refuſal of any Perſon or Perſons to pay ſuch his proportionable Part towards the Purchaſe of the Town-Common aforeſaid, being tendered to him, and demanded of him as aforeſaid, it ſhall be at the Liberty of any other Perſon to pay ſuch proportionable Part ſo refuſed, and ſhall thereby have that Right of Commonage.

Wharfs and Warehouſes.

VII. **And whereas**, there is a certain Quantity of Land, in the ſaid Port and Town, laid out and aſſigned for Wharfage and Building of Keys and Wharfs

Wharfs, and Ware-houſes thereon, **it is hereby Enacted and Declared** *by the Authority aforeſaid*, That if the Owners of the Land next adjacent thereunto, ſhall omit, neglect or refuſe to build ſuch neceſſary Wharfs, or Keys, or Ware-houſes thereon, for the Propagating of Trade as aforeſaid, in Eighteen Months from the Publication of this Act, it ſhall be lawful to and for any other Perſon or Perſons to take up the ſame Land aſſigned for Wharfs, Keys and Ware-houſes aforeſaid. And upon ſuch Perſon or Perſons building a ſubſtantial Twenty Foot ſquare Brick Ware-houſe upon every Forty Foot ſquare of the ſaid Land, ſhall inveſt ſuch Perſon or Perſons with a good and ſure Eſtate of Inheritance, in Fee-ſimple, of, in and to every ſuch Forty Foot ſquare of Land, upon which ſuch Ware-houſe ſhall be built as aforeſaid.

Rolling Roads, and Ware-houſes.

VIII. **And** for the better Conveniency of the Trade of the ſaid Town, his Excellency *Francis Nicholſon*, Eſq; preſent Governor of this Province, hath cauſed four Rolling Roads to be marked and cleared, for the rolling or tranſporting Tobacco or Goods by Land, *That is to ſay*, One Road between *Patuxent* River and *South* River, beginning at the Mouth of a great Branch called *Stockett*'s Run, and running from thence about North-Eaſt and by Eaſt Five Miles Six Furlongs and Sixteen Poles, to a Creek in *South* River called *Beard*'s Creek, in *South* River aforeſaid. The other Road begins at a Cove in a Creek called *Baldwin*'s Creek, in *South* River, and runs thence about North Eaſt One Mile One Furlong, or Eighteen Pole, to the Head of *Ship* Creek, in *Severn* River. The other Road beginning at *Severn* River, below *Eagle-Neſt* Bay, and runs to the Northward of the North-Eaſt One Mile One Furlong and Twenty-five Pole, to a Creek in *Magotty* River called *Clarke*'s Creek. The other Road begins by the ſaid *Magotty* River Side, above the Mouth of a Cove called *Wood's Paſtime* Cove, and runs thence about Eaſt North Eaſt One Mile Six Furlong and Thirty Pole, to a Creek in *Patapſco* River called *Rock* Creek. **Be it therefore Enacted** *by the Authority aforeſaid*, That the ſaid Roads and every of them, ſhall be conſtantly kept Cleared and Grubbed, as other public Roads, by the Directions and Appointment of the Juſtices of the County Courts in which the ſaid Roads lie; nor ſhall the ſame be blocked up or turned by any Perſon whatſoever, under the Penalties of this or any other Law provided to the contrary. And it ſhall and may be lawful to the Commiſſioners and Juſtices aforeſaid, to purchaſe of any Perſon or Perſons, One Acre of Land at each End of every of the ſaid Rolling Roads, for the Building of a Ware-houſe therein, for the putting and ſecuring the Tobacco, or other Goods, as aforeſaid, or upon Refuſal or Incapacity of the Owners to ſell the ſame, the ſaid Commiſſioners and Truſtees may cauſe the ſame to be valued, in Manner and Form as aforeſaid for valuing of the Town-Land and Common: Which ſaid Acre of Land at each End of every of the ſaid Roads, ſhall be to the Uſe of the ſaid Town, for building of public Ware-houſes upon, if they pleaſe, for the common Uſe and Profit of the ſaid Town for ever. But if the Commiſſioners and Truſtees of the ſaid Town, ſhall not build Ware-houſes thereon in Eighteen Months after the laying out of the ſame, then it ſhall and may be lawful for any other Perſon or Perſons to take up the ſaid Lots, or either of them, and build Ware-houſes thereon, but not to inhabit or dwell. Which Perſon or Perſons ſo taking up ſuch Lot or Lots, and building a good ſubſtantial Twenty Foot ſquare Brick Ware-houſe upon each Lot, within Eighteen Months after the Taking up the ſaid Lots, together with his entering the ſame with the Clerk of the Town, and paying the Value ſet upon the Lots as aforeſaid, ſhall make to ſuch Perſon or Perſons, a good Eſtate of Inheritance in Fee-ſimple, to ſuch Acre or Acres of Land as aforeſaid, to the Uſe of building Ware-houſes thereon, and to no other Uſe or Purpoſe whatſoever.

IX. **And whereas** his ſaid Excellency the Governor hath requeſted to have a certain Parcel of Land in the public Paſture, according to the Dimenſions

CHAP. XXIV.

thereof mentioned and laid down in the Plat of the Town, for planting or making a Garden, Vineyard or Summer-House, or other Use; Be it therefore Enacted *by the Authority aforesaid*, That it shall and may be lawful for the said Commissioners and Trustees, to lay out and allot to his Excellency, the said Parcel of Land of the said Town-Pasture, which shall be to his Excellency, and his Heirs and Assigns for ever, in Fee-simple, the said Commissioners keeping a Record of the Bounds thereof.

Governor *Nicholson*'s Land.

X. And for the ascertaining of the Bounds and Limits of the said Town-Pasture and Common, and the several Lots and Dividends in the same contained, be it Enacted *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the Dimensions, Bounds and Courses thereof, shall at all Times hereafter, be adjudged, held, taken and reputed, according to the Map and Plat thereof, being drawn up and presented by *Richard Beard*, Gent. by Order and Directions of his Excellency, carefully examined, and sealed with the Great Seal of the Province at the four Sides thereof, and upon the Back-side thereof sealed with his Excellency's Seal at Arms, on a red Cross with red Tape, and remaining in the Secretary's Office, or to be hung up in the Court-House.

Beard's Map established.

XI. And whereas Part of the Town-Land belonging to the Right Honourable *Charles* Lord Baron of *Baltimore*, to whom Application hath been made to bestow the same upon the Town, *Gratis*; which if his Lordship shall be pleased so to do, lest any Person or Persons, whose Lots may happen to be within the same, should thereby claim, or pretend an Impunity against the Payment of the Charge assessed to each Lot, according to the Value thereof for other Lots, Be it Enacted *by the Authority aforesaid*, that the same Land shall notwithstanding be valued as the other Town-Land, and each respective Person pay his proportionable Part to the Commissioners and Trustees for the Use of the Town.

His Lordship's Land within the Town, how to be valued and paid for.

XII. And further, the said Commissioners or Trustees, or the major Part of them, or not less than the Number of Three at least, are hereby authorized and impowered to hear and determine all or any Action, Suit, or Difference, arising between the Townsmen or Freemen of the said Town, for any Thing accruing in the Town, not exceeding the Sum of Five Pounds Sterling, or, One Thousand Pounds of Tobacco, or the Value thereof in other Goods or Merchandizes, and to award Judgment and Execution thereon: And to that Purpose to make and constitute such and so many Officers as shall be requisite for the Holding of a Court of Judicature, such as Clerk, Crier, Attorneys or Sollicitors; the Sheriff of *Ann-Arundel* County being always obliged to attend them: And to settle and mark such reasonable Fees and Allowances to them, not exceeding Half the Fees allowed to the Officers of County Courts; and to punish all Misdemeanors and Breaches of the Peace, not extending to Life or Member, committed or done within the said Town; and to impose any Fine or Fines, either upon the Officers or Suitors to the said Court, for any Neglect or Contempt of the Authority of the said Court, or otherwise; and the same to execute, not exceeding the Sum of Twenty Shillings Sterling, or Two Hundred Pounds of Tobacco, in any such Fine, to be to the Use of the said Town. And the said Commissioners and Trustees aforesaid, are likewise hereby impowered to make such Orders, from Time to Time, as Need shall require, and to make such Bye-Laws, Rules and Order, for the good Government and Regulating the Inhabitants of the said Town, not being dissonant, but (as near as may be) consonant and agreeable to the good Laws of *England*, and this Province.

Commissioners impowered to hold Courts,

and make Bye-Laws, &c.

XIII. And it is hereby Declared, That his Excellency *Francis Nicholson*, Esq; present Governor of this Province, and the Members of his Majesty's most Honourable Council, and the several Burgesses of this present General Assembly,

Who are to be deemed Freemen of the Town.

Assembly; and every other Person and Persons having a Lot of Land in the Town, and residing there, or a Trade in the Town-Pasture, shall be deemed and taken as Freemen of the Town aforesaid, and no other. Saving that all Merchants, Masters, Mates, Gunners, Carpenters and Boatswains, that make this Port their constant Port of Trade, by two Voyages or at least, shall have and enjoy the Privilege of Freemen during their Residence, or residing at the Port aforesaid. CHAP. XXIV.

XIV. **And** for Encouragement of all Sorts of Tradesmen, or Men of Calling, to come and inhabit in the Town aforesaid, **be it Enacted** *by the Authority aforesaid*, that when any Baker, Brewer, Tanner, Dyer, or any such Tradesmen, that by the Practice of their Trade may any ways annoy or disquiet the Neighbours or Inhabitants of the Town, it shall and may be lawful for the Commissioners and Trustees aforesaid, to allot and appoint to such Tradesmen such Part or Parcel of Land, out of the present Town Pasture, as to the said Commissioners shall seem meet and convenient, for the Exercise of such Trade, a sufficient Distance from the said Town as may not be Annoyance thereto, not exceeding the Quantity of one Lot or Acre of Land to any one Tradesman as aforesaid. And provided the same Trade, and Lots of Land for that Use, may be as near together and contiguous as the Nature of the Trade will allow of, without hindering or annoying one another. Which said Appointment and Parcel of Land aforesaid, allotted by the Commissioners and Trustees aforesaid, shall be to such Persons Tradesmen and their Heirs for ever, and to the Maintainance of such Trade, and not otherwise. And upon their Failing to use such Trade by the Space of Eighteen Months, every such or Parcel of Land, that was allotted for the same, shall revert back to the Use of the Town, to be disposed of by the Commissioners and Trustees aforesaid. Tradesmens Lots.

XV. **And be it Enacted** *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That it shall and may be lawful to and for the said Commissioners and Trustees, to make, erect, and constitute a Market to be held once every Week, and a Fair once every Year, to be held at such Place in the said Town, and at such Days in the Week, and Time of the Year, as to the said Commissioners and Trustees shall seem meet and convenient, for the vending, selling, buying and purchasing all or any Sort of lawful Goods, Chattels, Wares or Merchandizes whatsoever, with such Rules and Orders for holding the same, as to the said Commissioners and Trustees aforesaid shall seem expedient. And that all Persons that shall have Occasion to come, and shall come to such Fairs or Markets, during the holding of such Fair or Market, shall not be subject to any Arrest, nor be arrested by any Officer whatsoever, during such Person's continuance in the said Fair or Market, except in Cases of Treason, Murder, or Felony; but in all other Cases, during his or their continuance in the said Market or Fair, and coming to, and going from the same, shall be saved and kept harmless by the Tenor of this Act. Markets and Fairs.

XVI. **And be it further Enacted** *by the Authority aforesaid*, That all those Deeds, Obligations, Writings, and Evidences, made by and between his Excellency *Francis Nicholson*, Esq; Captain General and Governor of this Province of the one Part, and *Anthony Workman* of *Kent* Island in the County of *Talbot*, of the other Part, and *William Freeman*, Bricklayer, of *Philadelphia* in *Pennsylvania*, of the other Part, concerning a Lot of Land in the said Town, and Building a House thereon, to the Use of the said *Anthony Workman* during his natural Life, and after his Decease, to the Use of the Free-School of this Town for ever, bearing Date the Eighth Day of *June*, *Anno Domini* 1696, and ordered to be recorded in the Journal of the Governor and Council, and the House of Burgesses, of this General Assembly, be of absolute and full Force, and available in Law to the Uses therein expressed, according to the true Intent and Meaning thereof, any defect in Form, or want of Form in the same, notwithstanding. The Deeds relating to the School-House, confirmed.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV. *N. B.* This Act was particularly excepted out of the ſeveral general repealing Acts of 1699, *ch.* 46; 1700, *ch.* 8; and 1704, *ch.* 77; nor hath it been repealed in any particular; but it is in great Part rendered Obſolete (ſuch Clauſes excepted as relate to private Property obtained under it) by the Charter, granted to the City of *Annapolis*, dated the 2d *November* 1708, and confirmed, &c. by an Act of Aſſembly 1708, *ch.* 7.

CHAP. XXV.

Paſſed 2d of *October* 1696. *A Supplementary Act to the* * *Act for Payment and Aſſeſſment of the Public Charge of this Province. EXP.*

* 1696, *ch.* 16.

1697. At a Seſſion of ASSEMBLY, begun and held at the Port of *Annapolis*, on the 26th Day of *May*, in the 9th Year of the Reign of our Sovereign Lord WILLIAM the Third, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, *Annoq; Domini* 1697, and ended the 11th Day of *June*, were Enacted the following Laws.

FRANCIS NICHOLSON, Eſq; Governor.

CHAP. I.

Paſſed 11th *June* 1697. *An Act for the confirming Titles of Land, given to the Uſe of the Churches and ſeveral Chapels within this Province, impowering the Commiſſioners of the reſpective Counties, and Veſtries of the reſpective Pariſhes, to take up certain Parcels of Land for the Uſe of the ſame. Lib.* LL. N° 2. *fol.* 144. *REP.*

A new Act made 1704, *ch.* 37.

CHAP. II.

Ditto. *An Additional Act to the Act of Aſſembly, intitled,* * *An Act for ſpeedy Juſtice for ſmall Debts. EXP.*

For 3 Years, or to the End of the next Seſſion. * 1696, *ch.* 21.

CHAP. III.

Ditto. *An Act aſcertaining how and when Execution ſhall be granted for public Officers Fees. EXP.*

For 3 Years, or to the End of the next Seſſion.

CHAP. IV.

Ditto. *An Act for the better enabling Mrs.* Catherine Herman, *Widow and Relict of Col.* Caſparus Auguſtine Herman, *Deceaſed, to ſell Land in the Port of* Annapolis, *according to Contract of her ſaid deceaſed Huſband. Lib.* LL. N° 2. *fol.* 148. *PR.*

CHAP. V.

Ditto. An ACT impowering the Commiſſioners of each reſpective County, to purchaſe Lands for the Uſe of their reſpective Courts. *Lib.* LL. N° 2. *fol.* 149.

N. B. All Purchaſes made under this Act, are confirmed 1704, *ch.* 76.

Preamble. WHEREAS it hath been repreſented to this preſent General Aſſembly, that ſundry Court-Houſes within this Province, for the better Conveniency of the reſpective Counties, have been built upon Lands whereunto the Counties could make no legal Claim or Challenge; the Owners thereof either refuſing to make Sale, or otherwiſe incapacitated of ſo doing, by Reaſon of Non-age, or being beyond the Seas; which Evil if not prevented, will be very prejudicial to ſuch Counties who have already laid out and expended conſiderable Sums of Tobacco in erecting and building ſuch Court-Houſes aforeſaid.

II. Be

CHAP. V.

Agreement for the Purchase of Court-House Lands, how to be made,

II. **Be it therefore Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of this present General Assembly, and the Authority of the same*, That the Commissioners of the several and respective Counties, within this Province, whose Court-Houses are erected, that did otherwise hold Courts on Lands, whereunto the respective County can lay no just Title or Claim to as aforesaid, do, on or before the tenth Day of *April* next ensuing, meet at their respective Court-Houses if any, or otherwise at such usual Place where Courts are by them held as aforesaid: And there treat, contract and agree to and with the Owner or Owners of such Lands whereon such Court-House shall stand or Courts be held, as aforesaid, for such and so much Land in that Part and Place where such Court-Houses stand, or Courts be held as aforesaid, as to them may seem convenient for the Use thereof, not exceeding the Quantity of three Acres. And upon Agreement with such Person or Persons, Parties, Owners as aforesaid, or his or their Attorney or Attorneys, by him or them impowered to make Sale thereof, to receive a Conveyance thereof in the Name of his Majesty, his Heirs and Successors, to the Use of the County before mentioned, and the same shall record in the County Courts, as by Act of Assembly is required; and the Sum or Sums of Tobacco, by them so contracted and agreed for, to be levied by an equal Assessment on the respective Counties for and in Satisfaction of the Purchasers aforesaid.

or valued.

III. **But** in case such Owner or Owners, or his or their Attorneys lawfully impowered, shall refuse to make Sale thereof, or be unreasonable in his or their Demands, or otherwise incapacitated to make Sale thereof, by Reason either of Non-age, *Non sane Memory*, or being beyond the Seas; that then and in every such Case, it shall and may be lawful for the Commissioners of the said several and respective Counties, by virtue of this Act, to issue out Warrants to the respective Sheriffs, thereby commanding and impowering them to empannel a Jury of substantial Free-holders, within their respective Precincts, at a certain Day and Time to appear before the said Commissioners, on the Lands aforesaid: Which Jury, upon their Oaths to them first administered by the said Commissioners, are to inquire into the true Value of such and so much of the said Land, as by the Commissioners they shall be directed, not exceeding three Acres aforesaid; and to assess such Damage, and Recompence for the same, as they shall think fit to be awarded to the Owners, or Others, on their Behalf intrusted. And the Return of the Jury to be by them made in two Parts, one whereof is to be sent to his Excellency the Governor and Council of this Province, for the Time being, the other to be recorded within the several and respective County Courts whereto they properly belong, shall be a perpetual Bar to the Claim or Pretensions of Claim made, or that shall hereafter be made, to the Whole, or any Part thereof, by the Owner or Owners, or his or their Heirs, Executors or Assigns for ever. And the Damage, or Recompence, by the several and respective Juries awarded for and in Satisfaction of such Lands by them inquired of, to the Owner or Owners thereof as aforesaid, shall be by the Commissioners of the respective Counties, for the Time being, when thereunto required by such Owner or Owners, or others lawfully intitled to the Damage thereof, be levied and assessed in such Method and Manner, as in this Act is before mentioned and expressed.

Their bounds how to be ascertained.

IV. **And** for the better ascertaining the Bounds of the said Lands, so purchased or taken up, for the Use of the Counties aforesaid, it shall and may be lawful to and for the said Commissioners, who are also hereby impowered and required, to issue out Warrants to his Majesty's Surveyors of the respective Counties whereto they belong, to appear at such Day and Place to be by them appointed as aforesaid, then and there to survey and lay out, in the Presence of the Jury aforesaid, such Lands by them taken up, for the Use of the County aforesaid: And the same, at the End of each Angle, shall Bound with a good and substantial Locust Post, or other durable Wood, to be Six Foot under Ground at the least, and Five Foot above: As also such and so many Posts, within

CHAP. V.

within the Angles aforeſaid, as may be diſcovered from one to the other. Which Poſts, when and as often as they ſhall decay, the Commiſſioners ſhall cauſe new Ones to be affixed in their Place, at the County Charge for ever. And the reſpective Surveyors return two Certificates of ſuch Survey, by them made as aforeſaid, with fair Plats of the ſame, one whereof to his Excellency the Governor and Council as aforeſaid, the other to be Recorded and kept in the County Court as aforeſaid; any Law, Statute, Cuſtom, or Uſage to the contrary notwithſtanding.

Dorcheſter County Court-Houſe.

V. **And be it Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the Lot whereon the Court-Houſe of *Dorcheſter* County now ſtands, together with the Tenements thereon, being formerly taken up and purchaſed as Town-Land, but the Records of theſe Lots taken up, being either embezzled, or caſually loſt, be and remain to the Uſe of the County for ever, as firmly and abſolutely as if the ſame had been actually Conveyed by the true Owner or Owners thereof; any Thing herein contained to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

Paſſed 11th *June* 1697.

An ACT directing and appointing to what Uſe the ſeveral Rooms in the State-Houſe, in the Town or Port of *Annapolis*, ſhall be applied to. *Lib.* LL. Nº 2. *fol.* 153.

Preamble.

WHEREAS this Province hath been at great Charge and Expences in the Building a State-Houſe, or Public Houſe of Judicature, at this Port of *Annapolis*, which is now almoſt finiſhed and compleated; and to the End that the ſaid Houſe and the ſeveral Rooms and Apartments therein, may in Time preſent and to come, be applied and appropriated to the Uſes and Purpoſes the ſame was deſigned for, and no other;

II. **Be it Enacted** *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame,* That the ſaid State-Houſe, and the ſeveral Rooms and Apartments therein, for the Time preſent and to come, be, and is hereby appointed and appropriated to the Uſes and Purpoſes hereafter mentioned, and no other, *That is to ſay,*

The ſeveral Rooms in the State-Houſe, how appropriated.

III. The Great Room below Stairs, for Courts and Aſſemblies to ſit in: The Little Room below the Stairs, to be for a Magazine for every Thing but Powder to lie in: The two Rooms on the Right Hand above Stairs, for Jury and Committee Rooms: The two Rooms on the Left Hand, to be for Provincial and Land-Office Records to be kept: And the Fore-Porch to be for the Commiſſary's Office, and Records of Probat of Wills and Granting Adminiſtrations, *&c.* to be kept in: The two Rooms on the Right Hand, in the upper Lofts, One for the County Clerk to keep the County Court Records in, and the Other for *Annapolis* Town Clerk to keep his Papers in; and the other two Rooms on the Left Hand, One of them for keeping the Records of the Chancery Court, and the Other for keeping the Records of the Governor and Council in one Part of it, and another Part of the ſame Room, for lodging of all Bonds, Bills, Certificates, Cockets, and other Naval Papers, tranſmitted from the Collectors and Naval Officers of this Province: To which End and Purpoſe, all Naval Officers and Collectors, are by this Act, bound and obliged to return to the Governor and Council, once in the Year, *That is to ſay,* on the Tenth Day of *June* yearly, and in every Year, all Cockets, Bonds, Papers, and other Certificates lodged with them, or any of them, by any Perſons as aforeſaid, under Penalty of being proceeded againſt, and puniſhed, for ſuch their Contempt. The Room above the Back-Porch to be for the Clerk of the Houſe of Delegates, to keep the Journals and Papers

pers and Proceedings of that Houſe in: And the Loft above the Fore-Porch over the Commiſſary's Office, to be for hanging a Lanthorn out, and for a Committee Room. CHAP. VI.

IV. **And** to make the ſame more commodious and fit for the Services aforeſaid, **be it Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That the ſaid Rooms be fitted up with all neceſſary and convenient Boxes and Shelves, Deſks and Tables to write on; and at the Door of every Office a Bar be made, within which no Perſon ſhall come, but the Clerk of ſuch Office, unleſs upon urgent and great Occaſion. Nor ſhall the Clerk of any ſuch Office, remove or convey any Record Book, or Paper of Record, out of any ſuch Office to which it belongs, unleſs for the Uſe or by expreſs Command of the Governor or Council, Aſſembly, or Juſtices of the Provincial or County Court. Conveniences for the Clerks.

V. **And be it Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That the Clerks of the ſeveral Offices for the Time being, do carefully and diligently keep all the Records and Papers thereof, in good and decent Order. And that they mark on the Outſide of every Book, the Dates of the ſeveral Years that the Records within mentioned, were tranſacted in; and the ſame Dates of the Years on all Bundles of Papers, and mark on the Outſide of every Paper, what the Inſide Contents are. Records to be kept in Order.

VI. **And** the better to place and ſettle the ſeveral Clerks and Officers of the ſeveral Offices and Stations above mentioned, his Excellency *Francis Nicholſon*, Eſq; his Majeſty's preſent Governor of this Province, the Honourable Sir *Thomas Lawrence*, Baronet, his Majeſty's Secretary, and the Honourable *Henry Jowles*, Eſq; Chancellor of this Province, and the Honourable *Kenelm Cheſeldyn*, Eſq; Commiſſary-General, or the Survivors of them, is hereby requeſted, authorized, impowered and deſired, to ſettle and place the ſeveral Records and Proceedings, and the Clerks and Officers, in the ſeveral Offices and Places above Enacted and Ordained for the Uſes aforeſaid, as ſoon as the ſaid Houſe is finiſhed and compleated. And any Clerk that ſhall at any Time hereafter, either remove or convey out, except before excepted, any the Records or Proceſs of their reſpective Office, or neglect or omit to keep their Records in good Order, and duly entered up, contrary to the Tenor of this Act, ſhall, upon due Proof thereof, made againſt ſuch Clerk, and Conviction thereof, in the Provincial Court of this Province, be liable to be puniſhed by Fine of One Thouſand Pounds of Tobacco, or be for ever after incapable of bearing the Office of Clerk in this Province, either or both Puniſhments, as the Juſtices before whom ſuch Matter is tried, ſhall adjudge; any Law, Statute or Uſage to the contrary notwithſtanding. Placed in the ſeveral Offices, and not to be removed, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

N. B. The above Act falls under the General Repeal of 1704, *ch.* 77, but is here inſerted to ſhew the Appointments of the ſeveral Public Offices in the State-Houſe, which were made and ſettled accordingly. The preſent Laws for Security of the Records, are 1715, *ch.* 11; 1716, *ch.* 1; 1742, *ch.* 10; 1747, *ch.* 3; and 1748, *ch.* 7.

CHAP. VII.

An Act for Reformation of Jeoffailles in Maryland. *EXP.* Paſſed 11th *June* 1697.

For 3 Years, or to the End of the next Seſſion.

CHAP. VIII.

An Act for Quieting the Differences ariſing between the Indians *and* Engliſh *in private Controverſies. EXP.* Ditto.

For 3 Years, or to the End of the next Seſſion. A new Act 1717, *ch.* 14.

CHAP. IX.

An Act for the Naturalization of Stephen Francis, *an* Italian, *and* George Slecombe, *a* German *born. Lib.* LL. N° 2. *fol.* 156. *PR.* Ditto.

CHAP. X.

An Act for the Aſcertaining what ſhall be the Sheriff's Duty upon Returns made for public Dues and Officers Fees. REP. Ditto.

CHAP,

CHAP. XI.

Passed 11th *June* 1697. *An Act for apportioning the public Levy.* EXP.

CHAP. XII.

Ditto. *An Act for Payment of One Hundred and Fifty Pounds Ten Shillings Sterling.* OBS.

1698. At a Seſſion of ASSEMBLY, begun and held at the Port of *Annapolis*, on the 10th Day of *March*, in the Tenth Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoq*; *Domini* 1697-8, and ended the 4th Day of *April* 1698.

FRANCIS NICHOLSON, Eſq; Governor.

CHAP. I.

Paſſed 4th of *April* 1698. *An Act for reſtraining the Extortions of Sheriffs, and Deputy Commiſſaries.* REP.
A new Act made 1699, *ch.* 6.

CHAP. II.

Ditto. *An Act for re-continuing the late diſcontinued Proceſs and Proceedings in* Cæcil *County Court. Lib.* LL. N° 2. *fol.* 161.

CHAP. III.

Ditto. *An Act for appointing Court Days in each reſpective County.* REP.
A new Act made 1704, *ch.* 63.

CHAP. IV.

Ditto. *An Act for Stay of Execution after the* 10*th of* May *Yearly.* REP.
A new Act made 1699, *ch.* 8.

CHAP. V.

Ditto. *An Act for the better Diviſion of* St. Paul's *and* Shrewſbury *Pariſhes. Lib.* LL. N° 2. *fol.* 162.

Viz. From and after the 10th *June* 1698, all that Land and Inhabitants in *Cheſter* River, above the Riding over of a Branch of *Morgan*'s Creek, on the Eaſt Side of *William Bateman*'s Houſe, and on the North Side of a Line drawn from the Riding over of the ſaid Branch, to the Head of a Branch of a Creek iſſuing out of the Bay, called *Charne* Creek, be always taken, reputed, and be in *Shrewſbury* Pariſh; and that all the Land on the South Side of the ſaid *Charne* Creek and Branch, and Diviſion Line down the Bay, to the Extent of *Cæcil* County, be added to *St. Paul*'s Pariſh in *Kent* County, on the North Side of *Cheſter* River, and always to be taken, reputed, and be in *St. Paul*'s Pariſh, &c.

CHAP. VI.

Ditto. *An Act impowering the Commiſſioners of the County Courts, to raiſe and levy Money for defraying the neceſſary Charges of their Counties.* REP.
A new Act made 1699, *ch.* 12.

CHAP. VII.

Ditto. *An Act for rectifying the ill Practices of the Attorneys of this Province, and for the aſcertaining of the Attorney-General, and Clerk of the Indictments, Fees in criminal Caſes.* REP.
A new Act made 1699, *ch.* 25.

CHAP. VIII.

Ditto. *An Act for ſecuring the Parochial Libraries of this Province.* REP.
A new Act made 1699, *ch.* 34.

CHAP. IX.

Ditto. *A Supplementary Act to the* * *Act for regulating Ordinaries.* REP.
* 1695, *ch.* 5. A new Act made 1699, *ch.* 35.

CHAP. X.

Ditto. *An Act for the Naturalization of* Peter Dowdee, *a* Frenchman, *living in* Somerſet *County. Lib.* LL. N° 2. *fol.* 159. *PR.*

CHAP.

CHAP. XI.

An Act impowering the Commissioners of Cæcil *County, to hold a Court this present Year in* April. *Lib.* LL. N° 2. *fol.* 165. *OBS.* Passed 4th of *April* 1698.

CHAP. XII.

An Act for deciding Differences between Masters and Servants. REP. Ditto.

CHAP. XIII.

An Act ascertaining the Bounds and Limits of Ann-Arundel *and* Baltimore *Counties. Lib.* LL. N° 2. *fol.* 157. Ditto.

Viz. According to a Division made by certain Commissioners in pursuance of an Ordinance of Assembly *Anno* 1696, in manner following: Beginning at three marked Trees, *(viz.)* a White Oak, a Red Oak, and a Chestnut Tree, standing about a Mile and a Quarter to the Southward of *Bodkin* Creek, on the West Side of *Chesapeake* Bay; the marked Red Oak on the Right Hand for *Baltimore* County, the Chestnut Tree on the Left Hand for *Ann-Arundel*, the White Oak in the Middle: They standing near a Marsh and a Pond, and running thence West, until it cross the Road from the Mountains of the Mouth of *Magotty* River, to *Richard Beard*'s Mill; Then continuing Westward, with the said Road to *William Hawkin*'s Path, to two marked Trees, the one for *Ann-Arundel* County, the other for *Baltimore* County; thence continuing along the said Road to *John Locket*'s Path, to two Trees, for the End and Purposes aforesaid; then leaving the Road, by a Line drawn West to *William Slade*'s Path, to two marked Trees as aforesaid; thence continuing West, between the Draughts of *Magotty* and *Patapsco* Rivers, until it come to a Mountain of White Stone Rock, still continuing West to a Road going to *Patapsco*, to *Peter Bond*'s, to two marked Trees as aforesaid; thence continuing West to the main Road to *Patapsco* Ferry, to two marked Pines, standing near the Ready Branch, written at large, on the North Side of the said Trees, *Baltimore County*; on the South Side *Ann-Arundel County*; from thence, with a Line drawn W. N. W. to *Elk-Ridge* Road, to two marked Trees, for the End and Purposes aforesaid; thence continuing the same Course of W. N. W. to *Patuxent* River, and so up the said River to the Extent thereof, for the Bounds of *Baltimore* County. All that Tract of Land, lying on the North Side of the said Division Lines, *&c.* to be in *Baltimore* County, and all the Land, *&c.* on the South Side thereof to the antient extent of *Ann-Arundel* County, to be in *Ann-Arundel* County, *&c.*

N. B. So far of this Act as relates to the South Side of *Patapsco* River, being added to *Baltimore* County, is REPEALED by the Act of 1726, *ch.* 1.

CHAP. XIV.

An Act for enabling Elizabeth Norman, *Executrix of* George Norman, *to make over two Tracts of Land to* John Gadesby *and his Heirs for ever. Lib.* LL. N° 2. *fol.* 164. *PR.* Ditto.

At a Session of ASSEMBLY begun and held at the Port of *Annapolis*, on Saturday the 22d Day of *October*, in the 10th Year of the Reign of our Sovereign Lord WILLIAM the Third, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini* 1698, and ended on Saturday the 12th Day of *November* following.

FRANCIS NICHOLSON, Esq; Governor.

CHAP. XV.

An Act for ascertaining the Bounds of a certain Tract of Land to the Use of the Nantikoke Indians, *so long as they shall occupy and live upon the same. Lib.* LL. N° 2. *fol.* 166. Passed 12th *Nov.* 1698.

N. B. This Act falls under the general Repeal of 1704, *ch.* 77; and a new Act in the very same Words (the Enacting Stile excepted) was made 1704, *ch.* 58; And by the Act of 1723, *ch.* 18, the Bounds ascertained in this Act, (which are the same *verbatim* with those described in the aforesaid Act of 1704, *ch.* 58,) are confirmed.

CHAP. XVI.

An Act impowering Trustees to purchase Lands adjoining to the Fountains of Healing Waters, called the Cool-Springs. *Lib.* LL. N° 2. *fol.* 168. *OBS.* Ditto.

Viz. In *St. Mary*'s County, for building Houses, *&c.* for the Entertainment of such poor impotent Persons as should repair thither for Cure.

CHAP. XVII.

Passed 12th *Nov.* 1698. *An Act for the more speedy Conveying of the Public Letters and Packets of this Province, and settling a Revenue upon the Sheriffs for defraying the Charge thereof.* REP.

A new Act made 1699, *ch.* 11.

CHAP. XVIII.

Ditto. *An Act to enable* William Coursey *and* Elizabeth *his Wife, or the Survivor of them, to sell and acknowledge such Lands as were left by Col.* Vincent Lowe, *to be Sold for the Payment of his just Debts. Lib.* LL. N° 2. *fol.* 171, *PR.*

CHAP. XIX.

Ditto. *An Act for the more effectual Suppressing of profane Cursing and Swearing.* REP.

Included in the new Act of 1699, *ch.* 36.

CHAP. XX.

Ditto. *An Act impowering Vestry-men to assess their Parishioners for finishing and repairing Churches.* REP.

A new Act made 1699, *ch.* 9.

CHAP. XXI.

Ditto. *An Act appointing how Public Officers shall recover their Dues accruing for their Office.* REP.

CHAP. XXII.

Ditto. *An Act for the Punishment of Privateers and Pirates.* REP.

A new Act 1699, *ch.* 48.

CHAP. XXIII.

Ditto. *An Act for vesting two Tracts of Land in* John Gadsby, *sold him by* George Norman. *Lib.* LL. N° 2. *fol.* 173. *PR.*

CHAP. XXIV.

Ditto. *An Act for preventing Sheriffs from summoning Delegates and Justices of the Peace to serve as Jurors in this Province.* REP.

CHAP. XXV.

Ditto. *An Act for assessing the public Levy of this Province.* OBS.

1699. At a Session of ASSEMBLY, begun and held at the Town and Port of *Annapolis*, on the 28th Day of *June*, in the 11th Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoq*; *Domini* 1699, and ended the 22d Day of *July* following.

NATHANIEL BLAKISTON, Esq; Governor.

CHAP. I.

Passed 22d of *July* 1699. *An Act impowering* Benjamin Williams, *Administrator* de Bonis non administratis *of* Joseph Williams, *late of* Baltimore *County*, *Deceased*, *to sell a certain Tract of Land in* Cæcil *County*, *on* Sassafras *River*, *late the Land of* Joseph Williams, *called by the Name of* Tibaulds, *and containing about Three Hundred Acres*, *for the Payment of his Debts*, *pursuant to the Will of the said* Joseph. *Lib.* LL. N° 2. *fol.* 175. *PR.*

CHAP. II.

Ditto. *An Act for the transferring and setting over unto Major* William Whittington, *the Debts due from the Officers of* Somerset *County*, *by Virtue of an* * *Act for raising a Supply towards defraying of the public Charges of this Province. Lib.* LL. N° 2. *fol.* 176. *PR.*

* 1695, *ch.* 8. The Arrears due thereon from the several Officers in that County, being sold to him for 6 *s.* per Hundred.

CHAP.

CHAP. III.

An Act prohibiting Trade with the Indians *for any Flesh, dead or alive, except Deer and Wild Fowl. Lib.* LL. N° 2. *fol.* 177. *REP.* Passed 22d of *July* 1699.

This Act fell under the general Repeal of 1704, *ch.* 77; but by *ch.* 94, of that same Year, was declared to the End of the next Session of Assembly, and expired the 25th *May* 1705.

CHAP. IV.

An Act for the better Administration of Justice in the County Courts of this Province. Lib. LL. N° 2. *fol.* 178. *REP.* Ditto.

Included in the Act of 1704, *ch.* 31.

CHAP. V.

An Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange. Lib. LL. N° 2. *fol.* 180. *REP.* Ditto.

A new Act made 1704, *ch.* 73.

CHAP. VI.

An Act for restraining the Extortions of Sheriffs, Sub-Sheriffs, and Deputy-Commissaries. Lib. LL. N° 2. *fol.* 180. *REP.* Ditto.

A new Act made 1704, *ch.* 57.

CHAP. VII.

An Act for Amerciaments in the Provincial and County Courts. Lib. LL. N° 2. *fol.* 182. *REP.* Ditto.

A new Act 1704, *ch.* 75.

CHAP. VIII.

An Act for Stay of Executions after the Tenth Day of April *yearly. Lib.* LL. N° 2. *fol.* 183. *REP.* Ditto.

A new Act made 1704, *ch.* 49.

CHAP. IX.

An Act impowering the Vestry-men to assess their Parishioners, for finishing and repairing of Churches. Lib. LL. N° 2. *fol.* 185. *EXP.* Ditto.

For 3 Years, or to the End of the next Session.

CHAP. X.

An Act for Appeals, and regulating Writs of Error. Lib. LL. N° 2. *fol.* 188. *REP.* Ditto.

A new Act made 1704, *ch.* 32.

CHAP. XI.

An Act for the more speedy conveying the Public Letters and Packets of this Province, and settling a Revenue on the Sheriffs for defraying the Charge thereof. Lib. LL. N° 2. *fol.* 192. *REP.* Ditto.

A new Act made 1704, *ch.* 45.

CHAP. XII.

An Act impowering the Commissioners of the County Courts to levy and raise Money to defray the necessary Charges of their Counties. Lib. LL. N° 2. *fol.* 196. *REP.* Ditto.

A new Act made 1704, *ch.* 34.

CHAP. XIII.

An Act for the Marking Highways, and making the Heads of Rivers, Creeks, Branches and Swamps, passable for Horse and Foot. Lib. LL. N° 2. *fol.* 197. *REP.* Ditto.

A new Law made 1704, *ch.* 21.

CHAP. XIV.

An Act concerning the Height of Fences, and to punish Burners thereof; and also to restrain the Multiplicity of Horses and Mares, &c. *Lib.* LL. N° 2. *fol.* 201. *REP.* Ditto.

A new Law made 1704, *ch.* 41.

CHAP. XV.

An Act for the Killing of Wolves. Lib. LL. N° 2. *fol.* 203. *REP.* Ditto.

A new Act made 1704, *ch.* 50.

CHAP. XVI.

An Act to enable the Purchasers of the Subscriptions to the Free-School, to recover the same. Lib. LL. N° 2. *fol.* 205. *PR.* Ditto.

CHAP. XVII.

An Act for settling a Revenue on his Majesty's present Governor. Lib. LL. N° 2. *fol.* 206. *EXP.* Ditto.

Viz. 3 *d.* per Hogshead on all Tobacco exported over and above the 12 *d.* per Hogshead, to endure as long as Mr. *Blakiston* should continue Governor of this Province.

CHAP. XVIII.

Passed 22d of *July* 1699. *An Act ascertaining the Bounds of Land.* *Lib.* LL. N° 2. *fol.* 207. *REP.*

N. B. This Act fell under the general Repeal of 1704, *ch.* 77; but by *ch.* 98, of that Year, was revived and continued till the End of the next Session. It was in like Manner revived by 1705, *ch.* 10; and 1706, *ch.* 1; and totally expired on the 15th *April* 1707.

CHAP. XIX.

Ditto. An ACT for settling Assemblies and Provincial Courts at the Port of *Annapolis*, in *Ann-Arundel* County. *Lib.* LL. N° 2. *fol.* 227.

Assemblies and Provincial Courts to be held at *Annapolis*.

BE it Enacted *by the King's most excellent Majesty, by and with the Advice and Consent of this present General Assembly, and the Authority of the same,* That the Port of *Annapolis*, in *Ann-Arundel* County, be the chief Place and Seat of Justice within this Province, for holding Assemblies and Provincial Courts.

Writs where returnable.

II. And that all Writs, Pleas and Process, issuing, or that has issued out, and returnable to the Provincial as aforesaid, or to the Court of Chancery, shall, from the End of this present Sessions of Assembly, continue and be made Returnable to the Port of *Annapolis*, in *Ann-Arundel* County, aforesaid.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XX.

Passed 22d of *July* 1699. *An Act of Gratitude to Col.* Ninian Beall. *Lib.* LL. N° 2. *fol.* 228. *PR.*

Viz. For his Services upon all Incursions and Disturbances of the Neighbouring *Indians*, 75*l.* Sterling, to be laid out for 3 serviceable Negroes, to him and his Wife during their Lives, and afterwards to their Children. The said Negroes and their Increase not to be subject to any Executions or Judgments during the Life of Mr. *Beall*, or his Wife.

CHAP. XXI.

Ditto. *Petition of* Henry Wallace Read, *of* Kent *County, Planter.* *Lib.* LL. N° 2. *fol.* 229. *PR.*

Viz. To make good a Sale of 500 Acres of Land, to him, from *Thomas Jackson*.

CHAP. XXII.

Ditto. *An Act for continuing the late* * *Act for imposing Three Pence per Hogshead upon Tobacco, to the Use of his present Excellency, from the Time of his Arrival here to the End of this Session of Assembly.* *Lib.* LL. N° 2. *fol.* 232. *EXP.*

* 1694, *ch.* 13.

CHAP. XXIII.

Ditto. *An Act for raising a Supply towards the defraying of the Public Charge of this Province, and to prevent too great a Number of* Irish *Papists being imported into this Province.* *Lib.* LL. N° 2. *fol.* 233. *EXP.*

For 3 Years, and to the End of the next Session. Continued 1704, *ch.* 9. A new Act made 1704, *ch.* 33.

CHAP. XXIV.

Ditto. *An Act for speedy Justice for small Debts.* *Lib.* LL. N° 2. *fol.* 238. *REP.*

Included in the Act of 1704, *ch.* 31.

CHAP. XXV.

Ditto. *An Act for rectifying the ill Practices of Attorneys of this Province, and ascertaining the Attorney-General, and Clerk of the Indictments, Fees.* *Lib.* LL. N° 2. *fol.* 241. *REP.*

A new Act made 1704, *ch.* 55.

CHAP. XXVI.

Ditto. *An Act of Directions for the Sheriff's Office in this Province.* *Lib.* LL. N° 2. *fol.* 245. *REP.*

A new Act made 1704, *ch.* 15.

CHAP. XXVII.

Ditto. *An Act for securing the Frontiers of this Province from the Incursions of* Indians. *Lib.* LL. N° 2. *fol.* 254. *EXP.*

To endure till the next Session, and no longer.

CHAP.

CHAP. XXVIII.

An Act prohibiting the Inhabitants of this Province, or any Others, from carrying Liquors to the Indian *Towns.* *Lib.* LL. N° 2. *fol.* 256. *REP.* Passed 22d of *July* 1699.

A new Act made 1704, *ch.* 65.

CHAP. XXIX.

An Act for summoning Grand and Petit Juries. *Lib.* LL. N° 2. *fol.* 257. *EXP.* Ditto.

For 3 Years, &c. Continued 1700, *ch.* 7; Revived 1704, *ch.* 7. A new Law 1704, *ch.* 89.

CHAP. XXX.

An Act for taking Special Bail in the several Counties of this Province upon Actions and Suits depending in his Majesty's Provincial Courts. *Lib.* LL. N° 2. *fol.* 260. *REP.* Ditto.

A new Law made 1704, *ch.* 52.

CHAP. XXXI.

An Act for the Constables taking a List of Taxables. *Lib.* LL. N° 2. *fol.* 263. *REP.* Ditto.

Included in the new Act of 1704, *ch.* 61.

CHAP. XXXII.

An Act for the due Recording of all Laws of this Province in the Secretary's Office, and also transmitting the Journal of the House of Delegates, into the Secretary's Office. *Lib.* LL. N° 2. *fol.* 267. *REP.* Ditto.

A new Law made 1704, *ch.* 46.

CHAP. XXXIII.

An Act for securing Merchants and Others Tobacco after they have received it. *Lib.* LL. N° 2. *fol.* 268. *REP.* Ditto.

A new Act made 1704, *ch.* 51.

CHAP. XXXIV.

An Act for securing the Parochial Libraries of this Province; and that the Care and Charge thereof be committed to some worthy and learned Person. *Lib.* LL. N° 2. *fol.* 269. *REP.* Ditto.

N. B. This Act repealed the Act of 1696, *ch.* 20; and appointed "the learned and worthy "Doctor *Thomas Bray*, or his Successor (viz. *as the Bishop of* London's *Commissary*) to be chief "Visitor of all and every the said Libraries within the said Province." A new Act was made 1704, *ch.* 56.

CHAP. XXXV.

An Act for regulating of Ordinaries, and limiting the Number of them within this Province. *Lib.* LL. N° 2. *fol.* 278. *EXP.* Ditto.

N. B. This Act gave the Licence Money to the Secretary for the Time being, for 3 Years, and to the End of the next Session. A new Law made 1704, *ch.* 40.

CHAP. XXXVI.

An Act for Punishment of Blasphemy, Fornication, Adultery, profane Cursing and Swearing. *Lib.* LL. N° 2. *fol.* 278. *REP.* Ditto.

Included in the new Acts of 1704, *ch.* 47, and 60.

CHAP. XXXVII.

An Act for recovering the Arrears due from Public Officers, and transferring several Debts arisen thereon. *Lib.* LL. N° 2. *fol.* 282. *PR.* Ditto.

Viz. The Arrears due upon the Act of 1695, *ch.* 8; which were by this Act transferred to the several Gentlemen therein named, who purchased the same of the Public for certain Sums paid down.

CHAP. XXXVIII.

An Act for Payment of Fees due from criminal Persons. *Lib.* LL. N° 2. *fol.* 285. *REP.* Ditto.

A new Act made 1704, *ch.* 88.

CHAP. XXXIX.

An Act for preventing vexatious and unnecessary Suits at Law, and for proving of Debts, and pleading Discount in Bar. *Lib.* LL. N° 2. *fol.* 288. *REP.* Ditto.

A new Law made 1704, *ch.* 37.

CHAP. XL.

An Act for Encouragement of such Persons as will undertake to build Water-Mills. *Lib.* LL. N° 2. *fol.* 291. *REP.* Ditto.

A new Law made 1704, *ch.* 16.

CHAP. XLI.

An Act for the better Administration of Justice in Probat of Wills, and Granting Administrations, Recovering of Legacies, and Securing Filial Portions. *Lib.* LL. N° 2. *fol.* 296. *REP.* Ditto.

A new Law made 1704, *ch.* 20.

CHAP.

CHAP. XLII.

Paſſed 22d of *July* 1699.

An ACT for Enrolment of Conveyances, and ſecuring the Eſtate of Purchaſers. *Lib.* LL. N° 2. *fol.* 313.

N. B. All Conveyances made and enrolled under this Act, are confirmed by the Act of 1715, *ch.* 47, §. 6.

FOR the better eſtabliſhing a Way and Method for Conveying of Manors, Lands, Tenements and Hereditaments for the future, and for the avoiding Abuſes and Deceits by Mortgages;

Conveyances to be made by Writing Indented, Sealed, and Acknowledged.

II. **Be it Enacted** *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of this preſent General Aſſembly, and the Authority of the ſame,* That from and after the Publication hereof, no Manors, Lands, Tenements or Hereditaments whatſoever, within this Province, ſhall paſs, alter or change from one to another, whereby the Eſtate of Inheritance or Free-hold, or any Eſtate for above ſeven Years, ſhall be made to take Effect, in any Perſon or Perſons, or any Uſe or Truſt, except the Deed or Conveyance by which the ſame ſhall be intended to paſs, alter or change the ſame, be made by Writing Indented and Sealed, and the ſame to be Acknowledged in the Provincial Court, or before two Juſtices thereof, or in the County Court, or before two Juſtices of the Peace of the ſame, where ſuch Manors, Lands, Tenements or Hereditaments do lie; and ſuch Deed or Conveyance to be enrolled in the Provincial, or County Court where the ſame doth lie: Such Enrolment to be made within Twelve Months after the Date of ſuch Writing Indented as aforeſaid. And for the Caption of ſuch Enrolment, there ſhall be paid to the Parties taking the ſame Twelve Pence Sterling, and no more. And the Clerks ſhall well and ſufficiently enrol ſuch Deed or Conveyance, in a good ſufficient Book in Folio, to remain in the Cuſtody of the Clerk of the ſame Court, for the Time being, amongſt the Records of the ſame Court; and that the ſame Clerk ſhall, on the Back of every ſuch Deed, in a full Legible Hand, make an Endorſement of ſuch Enrolment, and alſo of the Folio of the Book in which the ſame ſhall be enrolled, and ſhall unto ſuch Endorſement ſet his Hand.

How to be acknowledged in a different County.

III. **Provided always, and be it hereby Enacted** *by the Authority aforeſaid,* That when the Grantor or Grantors, Bargainor or Bargainors of ſuch Lands, Tenements or Hereditaments, ſhall live remote from either the Provincial Court, or the County Court where the Land lieth, it ſhall and may be lawful for ſuch Grantor or Bargainor, to acknowledge the ſame in the County where ſuch Bargainor liveth; and a Certificate of ſuch Acknowledgment, under the Hand of the County Clerk, and under the Seal of the ſame County, ſuch Acknowledgment ſhall be taken, deemed, reputed, and be as good and valid, as if the ſame had been acknowledged either in the Provincial, or County Court where ſuch Land lieth, and be a ſufficient Warrant for ſuch County Clerk where the Land lieth, to enroll the ſame.

How by Letter of Attorney.

IV. **And** if any ſuch Grantor or Bargainor of any ſuch Lands or Tenements as aforeſaid, ſhall happen to be out of this Province, and within any his Majeſty's Dominions, at the Time of Enſealing ſuch Writing or Writings Indented, ſo as the ſame cannot be acknowledged in Manner and Form as is before directed, or enrolled within the Time for that Purpoſe herein before limited; That in every ſuch Caſe, ſuch Lands or Tenements as aforeſaid, ſhall be acknowledged by Letter of Attorney, well and ſufficiently proved, either in the Provincial, or County Court where ſuch Lands or Tenements lie, or before two Juſtices of the Provincial or County Court as aforeſaid, for Acknowledgment, and be enrolled as aforeſaid; any Thing herein before contained to the contrary hereof notwithſtanding.

V. **And**

V. **And be it further Enacted** *by the Authority aforesaid*, That every such Writing Indented, to be acknowledged and enrolled as aforesaid, shall have relation, as to the Passing and Conveying of the Premises, and the Estate and Estates thereby passed, or intended to be passed and conveyed, by and from the Day of the Enrolment of the same, and not from the Day of the Date thereof: And shall, at all Times be construed and taken more favourably and beneficially for the Benefit and Advantage of the Grantee or Grantees, and more strongly for the Barring of the Grantor or Grantors therein to be named, and according to such Intents as by the Words thereof, shall appear to have been the true Intent of the Parties thereunto, although the same be not so firmly drawn as is used in *England*, where the Advice of Council learned in the Law may easily be had.

CHAP. XLII. To take Effect from the Day of Enrolment.

VI. **Provided always**, That if any *Femme Covert* be named as a Party Grantor in any such Writing Indented, the same shall not be of Force to debar her or her Heirs, except upon her Acknowledgment of the same. And the Person or Persons taking such her Acknowledgment, shall examine her privately, out of the Hearing of her Husband, whether she do make her Acknowledgment of the same, willingly and freely, and without being induced thereunto by Fear, or Threats of ill Usage by her Husband, or Fear of his Displeasure? And the Person or Persons so examining her, shall, in a Note or Certificate of the said Caption of the said Acknowledgment, certify her Examination and Acknowledgment thereupon: And that such Certificate be likewise enrolled upon Record; in which Case only such *Femme Covert* shall be barred, and not otherwise; any Thing herein before contained to the contrary notwithstanding. *Femme Covert* how to be examined.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLIII.

An Act relating to Servants and Slaves. Lib. LL. N° 2. *fol.* 316. *REP.* Passed 22d of *July* 1699.

A new Act made 1704, *ch.* 23.

CHAP. XLIV.

An Act for speedy Trial of Criminals, and ascertaining their Punishment in the County Courts when tried there. Lib. LL. N° 2. *fol.* 328. *REP.* 1700, *ch.* 2. Ditto.

CHAP. XLV.

An Act imposing a Fine upon Edward Dorsey, *convicting him of a Debt of Three Hundred and Thirty-three Pounds Six Shillings and Eight Pence to the King; and imposing a Fine on the Sheriffs of* Cæcil *and* Talbot *Counties. Lib.* LL. N° 2. *fol.* 332. Ditto.

Viz. The Fine imposed on Mr. *Dorsey* for not fulfilling his Agreement to build the Church at *Annapolis*, &c.

CHAP. XLVI.

An Act ascertaining the Laws of this Province. Lib. LL. N° 2. *fol.* 336. Ditto.

DISSENT.

N. B. By this Law, "The several Laws heretofore made which are mentioned in the Catalogue hereunto annexed, (*viz.* 1692, *ch.* 1, 2, 4, 8, 13, 14, 16, 19, 24, 35, 37, 41, 43, 50, 52, 56, 57, 58, 62, 63, 64, 65, 71, 74, 75, 76, and 84. *Anno* 1694, *ch.* 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 34, and 35. *Anno* 1695, *ch.* 2, 3, 7, 10, 11, 13, 15, 21, 22, and 25. *Anno* 1696, *ch.* 6, 8, 10, 17, 18, and 24. *Anno* 1697, *ch.* 1, 4, 5, 6, and 9. *Anno* 1698, *ch.* 2, 5, 10, 11, 13, 14, 15, 16, 18, and 23,) together with the several Laws made this Session, and no other, shall be the Body of Laws of this Province, &c. And that all Laws, heretofore made, for and in this Province, of what Kind soever, (except Laws for private Purposes, and the Laws mentioned in the said Catalogue, and the Laws made and assented to this Session) are annulled, repealed and made void, &c." His Majesty's Dissent to this Law is dated at the Court of *Kensington*, 30th *November* 1699.

CHAP. XLVII.

An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. Lib. LL. N° 2. *fol.* 342. *EXP.* Ditto.

For 3 Years, &c. Revived 1704, *ch.* 8. A new Law made 1704, *ch.* 26.

CHAP. XLVIII.

An Act for the Punishment of Privateers and Pirates. Lib. LL. N° 2. *fol.* 350. *REP.* Ditto.

CHAP.

C H A P. XLIX.

Passed 22d of *July* 1699. *An Act for the Limitation of Officers Fees.* *Lib.* LL. N° 2. *fol.* 354. *EXP.* For 3 Years, &c. Continued 1700, *ch.* 7, and 1704, *ch.* 4. A new Law 1704, *ch.* 86.

C H A P. L.

Ditto. *An Act appointing Persons to treat with Workmen for the Building a Church at the Port of* Annapolis. *Lib.* LL. N° 2. *fol.* 368. *OBS.*

C H A P. LI.

Ditto. *An Act for Payment of the public Charge of this Province.* *Lib.* LL. N° 2. *fol.* 370. *OBS.*

1700. At a Session of ASSEMBLY begun and held at *Annapolis*, on the 26th Day of *April*, in the 12th Year of the Reign of our Sovereign Lord WILLIAM the Third, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoq*; *Domini* 1700, and ended the 9th Day of *May* following, were Enacted the following Laws.

NATHANIEL BLAKISTON, Esq; Governor.

C H A P. I.

Passed 9th of *May* 1700. *An Act for the Service of Almighty GOD, and Establishment of Religion in this Province, according to the Church of* England. *Lib.* LL. N° 2. *fol.* 372. *REP.* 1702, *ch.* 1, §. 21.

N. B. This Act, being laid before his Majesty in Council, was not approved in all it's Parts; and was accordingly sent Back, with Amendments proposed; which were accepted, and an Act pursuant thereto, passed the 25th *March* 1702: Whereby this Act is repealed.

C H A P. II.

Ditto. *An Act for the speedy Trial of Criminals, and ascertaining their Punishments in the County Courts when prosecuted there.* *Lib.* LL. N° 2. *fol.* 383. *REP.*

This Act repeals the Act of 1699, *ch.* 44. A new Act 1704, *ch.* 24.

C H A P. III.

Ditto. *An Act for the present Security of the Frontier Plantations, against the Incursions and Violence of* Indians. *Lib.* LL. N° 2. *fol.* 387. *EXP.*

The Powers given by this Act to continue, after the Breaking up of this Session, until the General Assembly could possibly be convened.

C H A P. IV.

Ditto. *An additional* * *Act touching Coopers, and the Gauge of Tobacco Hogsheads.* *Lib.* LL. N°. 2. *fol.* 388. *REP.*

* 1694, *ch.* 5. A new Act made 1704, *ch.* 53.

C H A P. V.

Ditto. *A Petitionary Act for confirming Land given to Christ Church in* Calvert *County by the last Will and Testament of Capt.* Richard Ladd *of that County, deceased.* *Lib.* LL. N° 2. *fol.* 390.

C H A P. VI.

Ditto. *An Act for quieting Differences that may arise between his Majesty's Subjects of this Province, and the several Nations of* Indians *of what Places soever.* *Lib.* LL. N° 2. *fol.* 390. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

This Act was to continue 3 Years, &c. and was Revived 1704, *ch.* 5. A new Act made 1717, *ch.* 14.

C H A P. VII.

Ditto. *An Act for reviving some Temporary Laws of this Province.* *Lib.* LL. N° 2. *fol.* 392. *EXP.*

Viz. 1699, *ch.* 29 and 49, hereby continued 3 Years, &c.

CHAP.

CHAP. VIII.

An Act for repealing certain Laws in this Province, and confirming others. *Lib.* LL. N° 2. *fol.* 392. *REP.* Passed 9th of *May* 1700.

N. B. By this Act all Laws made in this Province, before the Session begun and held at *Annapolis* the 28th *June* 1699, were repealed, except those expressed and set down in the Schedule or Catalogue thereunto annexed, (which is the same *verbatim* with that annexed to the Act of 1699, *ch.* 46,) saving to any Person the Benefit and Advantage of any Suit or Action already commenced or sued upon any the said repealed Acts.

CHAP. IX.

An Act for the Naturalization of Michael Bellicane, *senior*, Michael Bellicane, *junior*, Christopher Bellicane, *and* James Bellicane, *his Sons*; *and* Christopher Mounts; *all of* Cæcil *County, and born of Dutch Parents.* *Lib.* LL. N° 2. *fol.* 397. *PR.* Ditto.

CHAP. X.

An Act for establishing and making valid the last Will and Testament of James Tyer, *of* Charles *County, Gent.* *Lib.* LL. N° 2. *fol.* 397. *PR.* Ditto.

CHAP. XI.

An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year 1700. *Lib.* LL. N° 2. *fol.* 398. *OBS.* Ditto.

At a Session of ASSEMBLY, begun and held at the Town and Port of *Annapolis*, the 8th Day of *May*, and ended the 17th, in the 13th Year of our Sovereign Lord WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *Annoq; Domini* 1701, were Enacted the following Laws, *(viz.)* 1701.

NATHANIEL BLAKISTON, Esq; Governor.

CHAP. I.

An Act for the more speedy obtaining Execution against Persons flying out of the County where Judgment is recovered against them. *Lib.* LL. N° 2. *fol.* 419. *REP.* Passed 17th *May* 1701.

CHAP. II.

An Act for laying an Imposition of Three Pence per Hogshead on Tobacco, for defraying the public Charge of the Province. *Lib.* LL. N° 2. *fol.* 420. *EXP.* Ditto.

For 3 Years, &c. Continued by 1704, *ch.* 6.

CHAP. III.

An Act impowering a Committee, to lay, assess and apportion the public Levy this present Year, One Thousand Seven Hundred and One. *Lib.* LL. N° 2. *fol.* 421. *OBS.* Ditto.

CHAP. IV.

An Act investing a Tract of Land in Dorothy Stevens, *sold her by* Simon Willmer, *to her and her Heirs for ever.* *Lib.* LL. N° 2. *fol.* 422. *PR.* Ditto.

CHAP. V.

An Act investing in the Vestry of St. James's *Parish, in* Ann-Arundel *County, certain Lands, given to the said Parish by Mr.* James Rigby *and* Elizabeth *his Wife, both deceased.* *Lib.* LL. N° 2. *fol.* 422. *PR.* Ditto.

CHAP. VI.

An Act for the Naturalization of Peter Scamper, *of* Prince-George's *County*, John Debruter, *of* Baltimore *County, and* John Debruter *and* William Debruter *his Sons, together with the other Sons and Daughters of the said* Debruter *the Father, born in this Province.* *Lib.* LL. N° 2. *fol.* 423. *PR.* Ditto.

At a Session of ASSEMBLY begun and held at the Port of *Annapolis*, in the Province of *Maryland*, on the 16th Day of *March* 1701-2, and ended the 25th Day of the same Month 1702.

NATHANIEL BLAKISTON, Esq; Governor.

N. B. The Decease of his Majesty King *William* (which happened on the 8th Day of this present Month) not being known in this Province, is the Reason that the enacting Stile of this Session runs in his Majesty's Name.

CHAP. I.

Passed 25th *March* 1702.

An ACT for the Establishment of Religious Worship in this Province, according to the Church of *England*; and for the Maintainance of Ministers. *Lib.* LL. N° 2. *fol.* 401.

Supplemt. Act 1715. ch 24. —

This Act is excepted out of the general Repeal in 1704, *ch.* 77. A Supplementary Act in 1730, *ch.* 23. — An Additional Supplementary Law 1771. ch. 31. 9° Vide

Preamble.

FORASMUCH as in well-grounded Christian Common-Wealths, Matters concerning Religion and the Honour of GOD, ought in the first Place to be taken into Consideration, and honest Endeavours to attain to such good Ends countenanced and encouraged, as being not only most acceptable to GOD, but the best Way and Means to obtain his Mercy, and Blessing upon a People or Country:

The Church of *England*, established within this Province.

II. BE it therefore Enacted *by the King's most excellent Majesty, by and with the Advice and Consent of this present General Assembly, and by the Authority of the same*, That the Book of Common Prayer, and Administration of the Sacraments, with other Rites and Ceremonies of the Church, according to the Use of the Church of *England*, the Psalter or Psalms of *David*, and Morning and Evening Prayer therein contained, be solemnly Read by all and every Minister or Reader in every Church which now is, or hereafter shall be, settled and established within this Province; and that all Congregations and Places for Public Worship, according to the Usage of the Church of *England*, within this Province, for the Maintainance of whose Ministers, and the Persons officiating therein, any certain Income or Revenue is, or shall, by the Laws of this Province, be established and enjoined to be raised or paid, shall be deemed settled and established Churches.

What Churches shall be deemed settled and established Churches.

Verbatim from the Law of 1700

40lb Tobacco per Poll to be annually levied and paid to the Incumbent.

*1692. i.

III. AND for the Encouragement of faithful and able Ministers, labouring in the Work of the Gospel, to come and reside in this Province, BE IT ENACTED *by the Authority aforesaid*, That a Tax or Assessment of Forty Pounds of Tobacco per Poll, be yearly, and every Year successively, levied upon every taxable Person, within each respective Parish, within this Province, [as they have been, now are, or hereafter shall be laid out, limited or appointed, by Laws of this Province,] and entered upon Record, as the said former Laws therein did direct; which said Assessment, of Forty Pounds of Tobacco per Poll, shall always be paid and allowed to the Minister of each respective Parish, having no other Benefice to officiate in, presented, inducted or appointed by his Excellency the Governor, or Commander in Chief, for the Time being. And every such Minister is hereby required and enjoined to appoint, and constantly to keep a Clerk of such Parish-Church, and to pay and satisfy such Clerk the Sum of One Thousand Pounds of Tobacco yearly and every Year, out of the said Forty per Poll.

Every Minister to employ and pay a Parish Clerk.

Ministers, &c. joining Persons toge-

IV. AND to prevent all illegal and unlawful Marriages, not allowable by the Church of *England*, but forbidden by the Table of Marriages, BE IT ENACTED

acted *by the Authority aforesaid*, That no Minister, Priest or Magistrate, shall presume to join together in Marriage, any Persons whatsoever, contrary to the Table of Marriages, by this Act appointed to be set up in every Parish-Church within this Province, under the Penalty of Five Thousand Pounds of Tobacco; nor shall any Person forbidden to intermarry by such Table of Marriages, presume to be joined in Marriage, under the like Penalty of Five Thousand Pounds of Tobacco, such Penalty and Forfeitures, on either Side, to be made to our Sovereign Lord the King, his Heirs and Successors, for the Uses in this Act hereafter mentioned.

CHAP. I.

ther, contrary to the Table of Marriages, forfeit 5000 lb Tobacco.

And the Persons so intermarrying incur the like Penalty.

V. And to prevent any Lay-Persons from joining any Persons in Marriage, where any Minister or Priest can be had, and to ascertain what shall be paid for Marriages, be it likewise Enacted *by the Authority aforesaid*, That in every Parish where any Minister or Incumbent shall reside, and have Charge of Souls therein, no Justice or Magistrate, being a Lay-Man, shall join any Person in Marriage, under the Penalty of Five Thousand Pounds of Tobacco for such Offence, to our Sovereign Lord the King, as aforesaid. And it shall be lawful to every Minister to take and receive of every Person or Persons by him married, the Sum of Five Shillings Sterling, and no more. Provided such Persons come to such Parish-Church or Chapel, at Time of Divine Service, for solemnizing such Marriage.

Lay-Magistrates, joining Persons in Marriage, where a Minister is resident in the Parish, forfeit 5000 lb Tobacco.

The Minister's Fee.

VI. And for the better and more effectual Collecting of the said Duty of Forty Pounds of Tobacco per Poll, and paying the same to the Uses by the Law intended and appointed, be it Enacted, That the Sheriff of each several County, shall, and is hereby obliged, to collect and gather the said Assessment of Forty per Poll, of the several Persons within each respective Parish in his County, in the same Manner, and by the same Authority, as the Public and County Levies are collected, and shall pay the same Forty Pounds per Poll to the Minister or Incumbent in each respective Parish *.

The Sheriff to collect the 40 per Poll.

* The Sheriffs shall have 5 per Cent for collecting, 1715, *ch.* 24, §. 4.

VII. And the better to promote the Execution of the good Laws of this Province, so far as concerns the respective Parishes, and for the more easy Dispatch of Parish-Business, be it further Enacted *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That there be select Vestries in each Parish of this Province, and that the several Vestry-men of the several Parishes within this Province, that now are, or hereafter shall be chosen by such select Vestry, of which Vestry the Number shall always be Six at least, except upon Death or Resignation, or other Discharge of any of them, according to the Provision herein made to that Purpose; and in such Case of Death, or Resignation, or other legal Discharge from serving, the remaining Part of such Vestries shall, with all convenient speed, summon and appoint a general Meeting of all the Inhabitants of the said Parish, who are Free-holders within the same Parish, and contribute to the Public Taxes and Charges of the said Parish, who shall, by Majority of Voices, elect and chuse one or more sober and discreet Person or Persons, Free-holders of each respective Parish, to supply such Vacancies: And such Person or Persons, so elected and chosen, shall take the usual Oath, appointed by Act of Parliament instead of the Oath of Allegiance and Supremacy, and the following Oath, *viz.*

Select Vestries to be in each Parish, the Number to be always Six at the least.

On Death, &c. of any Vestry-man, the Vacancy to be supplied by Election of the Free-holders.

Vestry-men to take the Oaths to the Government, and the following

"*I* —— —— *do solemnly Swear and Declare, That I will justly and truly execute the Trust or Office of a Vestry-man of this Parish, according to my best Skill and Knowledge, without Prejudice, Favour, or Affection.*"

Oath of a Vestry-man.

Which said Oaths, at the Election of a new Vestry, are to be administered by any Justice of the Peace of the County, City or Place, where such Vestry is, who is hereby required and impowered to administer the same; and upon Elections afterwards, either by a Justice of Peace as aforesaid, or the first Vestry-man, who is hereby likewise required and impowered to administer

The Oaths, how to be administered.

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the ſame: And each Perſon, ſo elected and choſen, ſhall likewiſe ſubſcribe the Teſt, and alſo the * Aſſociation, and having ſo done, and not before, ſhall be deemed and taken as one of the Veſtry, to all Intents and Purpoſes.

* Repealed by 1704, *ch.* 11, and 1715, *ch.* 30. See 1716, *ch.* 5.

Two new Veſtry-men to be choſen by the Free-holders of the Pariſh, on Eaſter-Monday, yearly.

VIII. **And it is hereby further Ordained and Enacted** *by the Conſent and Authority aforeſaid*, That two new Veſtry-men ſhall be annually choſen, in the Places of two others, who ſhall be left out; to which Purpoſe, all the Inhabitants of every Pariſh, being Free-holders within the ſame Pariſh, and contributing to the public Taxes and Charges thereof, or ſuch of them as ſhall think fit to attend, ſhall repair to their reſpective Pariſh Churches, every Year ſucceſſively, upon Eaſter-Monday, and there, by their free Choice, declare † what two Perſons ſhall be diſcharged from their being Veſtry-men, and chooſe two others, qualified according to this preſent Act, in their Stead and Room; who, taking the Oaths, and performing all other Things required by this preſent Act, or other the Laws of this Province, for Veſtry-men, ſhall be deemed and taken to be Members of the ſaid Veſtry, to all Intents and Purpoſes.

† By the Act of 1730, *ch.* 23, §. 2, the two eldeſt Veſtry-men ſhall be annually left out; nor ſhall either of them be liable to be choſen, or obliged to ſerve for three Years next enſuing.

The Incumbent to be one of the Veſtry, and Principal thereof.

IX. **Provided always**, That in every Pariſh where any Miniſter or Incumbent is, or ſhall be lawfully, according to the Laws and Uſages of this Province, appointed, and in Poſſeſſion of any Living inveſted with the Forty Pounds per Poll, and reſiding therein, he ſhall, during the Continuance aforeſaid, and no longer, be one of the Veſtry of ſuch Pariſh, and Principal of ſuch Veſtry, although there be the Number of Six Perſons, or more, beſides.

Each Veſtry to appoint a Regiſter or Clerk,

X. **And** for keeping a fair Regiſter of all ſuch Veſtries Proceedings, and for Regiſtering of all Births, Marriages and Burials in each reſpective Pariſh; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That each Veſtry ſhall, and is hereby obliged, to provide a fit Perſon for a Regiſter, who ſhall, at all Times, keep a true and fair Regiſtry of the ſeveral Proceedings of ſuch Veſtry, from Time to Time, in executing their Truſt and Authority, and making juſt and true Entries thereof: Which Perſon, ſo to be appointed for keeping ſuch Regiſtry,

who ſhall take the Oaths.

ſhall take the Oaths ſubſtituted in the Place of the Oaths of Allegiance and Supremacy, and ſubſcribe the Teſt and Aſſociation, and alſo an Oath to be given him by the ſaid Veſtry, which Oath the ſaid Veſtry are hereby impowered to adminiſter accordingly, for the due and faithful executing his ſaid Office, before he ſhall be admitted into the ſaid Office; and ſhall make due Entry of all Veſtry Proceedings, and of all Births, Marriages and Burials (Negroes and Mulattoes excepted) *that is to ſay*, the Chriſtian and Sir-Name, with the Day, Month and Year of every ſuch Births, Marriages or Burials: To which Purpoſe, all and every the Inhabitants of each Pariſh, that are either Parents, Guardians, Overſeers, Maſters, or Miſtreſſes of any Perſon born, married or buried, are hereby enjoined and required to give Notice to the Regiſter of ſuch Pariſh, within two Months after ſuch Birth, Marriage or Burial, and pay him Six Pence for entering it, at the Time of giving Notice aforeſaid, under the Penalty of One Hundred Pounds of Tobacco, to be forfeited by ſuch Inhabitant aforeſaid, refuſing or neglecting as aforeſaid; and under the Penalty of One hundred Pounds of Tobacco, to be forfeited by ſuch Regiſter refuſing or neglecting to enter it, having received his Fee for the ſame: And ſuch Regiſter is hereby obliged to ſhew any Perſon or Perſons, reaſonably deſiring it, any ſuch Regiſter; or give a Certificate of any Births, Marriages or Burials, that ſhall be reaſonably required of him: And ſhall have for his Fees from ſuch Perſon, Six Pence for any Search, and Six Pence for any Copy or Certificate given as aforeſaid, and no more; hereby ratifying and confirming, as valid, all Regiſters or Entries of any Births, Marriages or Burials,

His Duty.

Births, Marriages and Burials to be Regiſtered.

Penalty on Neglect, &c.

Veſtry Clerk to ſhew ſuch Regiſter on reaſonable Demand, and give Certificate.

Former Regiſters of

Burials, heretofore made with any Clerk of any County Court, according to the Directions of such Laws as were then in Force, before any of those Laws were in Being. CHAP. I. Births, &c. confirmed.

N. B. The Fines in this Clause are recoverable before a single Magistrate, One Half to the Parish Charge, the other to the Informer, by 1730, *ch.* 23, §. 4.
For the Salary to the Vestry Clerk, see 1730, *ch.* 23, §. 7.

XI. And that the Register of each Parish may be enabled to perform the Charge hereby required of him; Be it Enacted, *by the Authority, Advice and Consent aforesaid*, That if there be any Vestries of any Parishes that have not already provided good and substantial Writing Books, well bound, sufficient for registring such Proceedings in, according to the Directions of the former Laws, that in every such Case of such Neglect or Omission, the Vestry of such Parish shall, at the Parish Charge, provide such Book or Books, within Six Months from the End of this Session of Assembly, under the Penalty of five Hundred Pounds of Tobacco each Vestry-man (the Minister only excepted) neglecting as aforesaid, to our Sovereign Lord the King, for the Uses within mentioned. Register Books to be provided at the Charge of every Parish.

XII. And that there may be no Neglect in the Vestries, or those employed under them, in the lawful and conscionable Performance of their several Charges, the said several Vestries are hereby obliged to meet once in every Month, or as often as need shall require upon Public Notice given by the Principal Vestry-man of each Parish, to consult of the Methods and Ways of performing the several Authorities reposed in them, and from which Vestry, so appointed, no Vestry-man, being personally summoned, shall, without a lawful or reasonable Excuse, absent himself, under the Penalty of such Fine or Mulct as the Residue of the said Vestry meeting shall lay upon them, so as the same never exceed One Hundred Pounds of Tobacco: And upon Default or Neglect in such Principal Vestry-man, as is before mentioned, to summon a Vestry when there is Need for one, and he is thereunto requested, any other Three of the Vestry, or if there shall happen by any Accident to be but Two of the said Vestry, besides the Principal Vestry-man residing in the said Parish, such Three or Two shall have Power and Authority to summon and appoint a Vestry to be holden. And all such Omissions and Neglects to be noted in the Vestry's Register of Proceedings, and any * Forfeiture thereby incurred, to be recovered in his Majesty's Name. Vestries to meet once a Month, &c. Penalty for Non-Attendance. How to be summoned when Need requires.

* The Fines in this Clause are recoverable before a single Magistrate. See the Note on §. 10.

XIII. And the said several and respective Vestries are hereby further enjoined, that where there is not Tables of Marriages already put up, in their respective Parish Churches, with all convenient Speed, and within Six Months at the most, to procure a fair Table of Marriages transcribed, and set up in their respective Churches, and the same keep continually in their said Churches, that Persons being thereby informed what Marriages are forbidden, may avoid the contracting of any such unlawful Marriages. Tables of Marriages to be set up in Parish Churches.

XIV. And that the said Vestry-men, and the rest of the Inhabitants of every Parish, being Free-holders within the same Parish, and contributing to the Public Taxes and Charges there, do once every Year, upon Easter Monday, Yearly, make Choice and Appoint, two sober and discreet Persons, Free-holders of their respective Parishes, to be Church-Wardens for that Year; all the Inhabitants of every Parish, being Free-holders within the same Parish, and contributing to the Public Taxes and Charges thereof, having Liberty also to vote in the Choice of Church-Wardens. Each Vestry-man (excepting as before excepted) being under the † Penalty of Two Hundred Pounds of Tobacco, for neglecting either to procure a Table of Marriages, or to appoint Church-Wardens, to our Sovereign Lord the King as aforesaid; which Church-Wardens, so chosen, shall take the usual Oaths, and likewise declare on his Oath, to be administered unto him by the Vestry, to whom Power is hereby given to administer the same accordingly, Two new Vestry-men and Church-Wardens to be annually elected. Penalty for neglecting to procure a Table of Marriages, &c. Church-Wardens, to take the Oaths, and

" well also,

CHAP. I.

The Oath of a Church-Warden. Penalty for refuſing to ſerve, &c.

" well and faithfully to execute that Office for the enſuing Year, according " to the Laws and Uſages of the ſaid Province, to the beſt of his Skill and " Power, and until he ſhall be thereof duly diſcharged."

And any ſuch Perſon or Perſons, ſo choſen Church-Warden or Wardens, that ſhall wilfully refuſe to ſerve in the ſaid Office, and take the Oaths aforeſaid, ſhall be fined * One Thouſand Pounds of Tobacco to our Sovereign Lord the King.

† To be recovered before a ſingle Magiſtrate. See the Note on §. 10.

* To be recovered in his Lordſhip's Name in the County Court, and applied to the Uſe of the Pariſh, by 1730, *ch.* 23.

Payment of Parochial Charges, Repairs of Churches, &c.

XV. And the Church-Wardens and Veſtry are authorized and required, to take conſtant Care to ſatisfy and pay the Parochial Charges, and all neceſſary Repairs and Amendments of their reſpective Churches, Chapels or Church Yards, and cauſe the ſame at all Times to be repaired and amended as Need ſhall require, out of ſuch Gifts, Goods or Chattels as ſhall come to their Hands for the Church or Pariſh Uſe: ‖ And towards the Payment of which Parochial Charges, all the Fines, Forfeitures and Mulcts by this Law incurred, ſhall be levied by the Church-Wardens in each reſpective Pariſh, and by them accordingly applied. And in Caſe they ſhall not have ſufficient Effects to pay Parochial Charges as aforeſaid, or to make ſuch neceſſary Repairs as are required, then, and not otherwiſe, it ſhall be lawful for the Juſtices of the County Courts upon Application of ſuch Pariſh, Veſtry and Church-Wardens, to aſſeſs the reſpective Pariſhes by a certain Sum of Tobacco, not exceeding ten Pounds of Tobacco by the Poll in any one Year: Which Aſſeſſment made by ſuch County Court, and a Certificate thereof under the County Seal, ſhall be ſufficient to the Sheriff of ſuch County to levy ſuch Tax by the Poll, on the Taxables of ſuch Pariſhes, in the ſame Manner as other Public Dues are levied; and ſhall not deduct above Five per Hundred for his Salary, and pay the ſame to ſuch Veſtry for the Uſe aforeſaid.

‖ *And the Payment of with Parochial Charges* in the Record.

N. B. For the preſent Regulation for Payment of Parochial Charges, ſee 1704, *ch.* 34, §. 4. and 1729, *ch.* 7.

Pluralities not admitted.

XVI. And to the Intent that this Act may anſwer the End of the Makers, which is, that his Majeſty's good Subjects of this Province may be inſtructed in Religion, and therein of their Duty to GOD, his Majeſty, and themſelves, and thoſe pious and exemplary Perſons that ſhall labour therein ſuitably provided for; Be it Enacted *by the Authority, Advice and Conſent aforeſaid*, That no Miniſter or Incumbent ſhall at one Time hold more than two Pariſhes; nor two, unleſs by the Deſire or Agreement of the Veſtry of the ſaid adjacent Pariſh, and Conſent of the Veſtries where he reſides, and Appointment of the Ordinary.

Exception.

Lay-Readers in what Caſes to be appointed.

XVII. And where there are not, or ſhall not be, Miniſters in any Pariſh, it ſhall and may be lawful to the Veſtry to provide ſome ſober and diſcreet Perſon, as a Reader, and to preſent him to the Ordinary; who may ſequeſter Part of the Forty per Poll, to pay him for ſuch Service, and the reſt to be ‡ applied as the Law in Caſes of ſuch Vacancies directs. And upon ſuch Reader's taking the aforeſaid Oaths appointed by Act of Parliament, ſubſcribing the Teſt and Aſſociation, and procuring Licence from the Ordinary, ſhall and may read Divine Service, Homilies, and ſuch other good Authors of practical Divinity, as ſhall be appointed, at the uſual Times, in ſuch Churches or Chapels, and therein ſhall demean himſelf according to the Liturgy of the Church of *England*, as aforeſaid.

Their Duty.

‡ For the Application of the 40 per Poll during ſuch Vacancy, ſee 1715, *ch.* 24.

The firſt Tueſday in every Month to be a Veſtry Day without Notice.

XVIII. And for the preventing of Delays and other Inconveniences, which might happen if there were a Neceſſity for the expecting the Attendance and Preſence of all the ſaid Veſtry-men, and at the ſame Time to prevent the doing of any Thing of Conſequence, by Surprize, by a ſmall Number of them, be it hereby Enacted, That the firſt Tueſday in every Month, ſhall be, and is

is hereby fixed and ascertained for holding a Vestry, at Eleven of the Clock in the Forenoon, in the usual Place for that Purpose, without any Notice or Warning to be given thereof: At which Time and Place the major Part of the Vestry-men then present (so as such majority be not under the Number of three Persons) shall be esteemed a Vestry, and shall have full Power to order, direct and act, in all Things by this Act appointed to be done, according to this Act, as a Vestry. CHAP. I.

In what Cases, and how a Vestry-man may be removed, and another chosen.

XIX. And that in case any Vestry-man shall remove or withdraw himself from the Parish, or voluntarily or frequently neglect to give his Attendance, and absent himself from the Vestry, or otherwise become unfit or incapable to continue to execute the said Office or Trust, that in any such Case the residue of the said Vestry, or the majority of them, so as such majority be not under the Number of three Persons, shall and may have Power (after personal Notice given to such Party, if it conveniently may be, or the affixing of a public Notice upon the great Door of the Church for three several Sundays successively, if personal Notice cannot be given without great Difficulty, Charge or Delay, of their Intentions to proceed in such Manner) to remove such Person from being a Vestry-man, and to declare his Office void, and to summon a Meeting of the Parishioners, qualified as is above directed, for the electing another in the Place of such Person; who shall (after allowing a reasonable Time to such Person to make his Complaint, if he apprehends himself injured, not exceeding a Fortnight) proceed to a new Election accordingly.

Parishioners may demand Inspection of the Vestry Books, &c. and appeal from any Vestry Proceedings, to the Governor and Council.

XX. And that there may not be any Oppression, or Misapplication of the public Revenue by such Vestries, or just cause of Complaint against them, in any of their Proceedings, without Redress, Be it Enacted *by the Authority, Advice and Consent aforesaid*, That all and every Parishioner and Parishioners whatsoever, who contributes to the public Taxes and Charges of the said Parish, shall and may require the Register herein before mentioned, at any reasonable or convenient Time or Times, to give them an Inspection of the Vestry Books, and Accounts of all and every their Orders and Proceedings, and shall and may take Copies thereof (paying a reasonable Fee for the same, according to the Length thereof, and the Trouble of Attendances:) And that all and every Person and Persons whatsoever, who shall find or apprehend him, her or themselves, grieved or injured, or that the Body of the Parish is injured or oppressed by any Acts, Orders, Rules, Accounts, or other Proceedings of any such Vestry, the Parties so injured, or any other in their Behalf, or in Right of the whole Body, may from Time to Time appeal for Redress, against all and every such Orders, Accounts, and other Proceedings, to the Governor or Deputy-Governor for the Time being, and Council of the said Province, who are hereby required and impowered to examine, hear and determine, all and every such Appeals and Complaints for Redress, and to give Redress, as they in their Judgments shall think agreeable to Justice and Equity: And such their Order, Judgment and Decree, shall be final, and bind all Parties. The Right of Appeal being always reserved to his Majesty in Council, according to the Laws of this Province.

And thence to the Crown.

Protestant Dissenters, and Quakers to have the Benefit of the Acts of Toleration, &c.

XXI. Provided always, That every of his Majesty's Protestant Subjects within this Province, dissenting from the Church of *England*, as to Matters relating to the Worship and Service of Almighty GOD; and the Dissenters commonly called Quakers, in all Matters relating to the Taking of Oaths; and all Protestant Dissenters whatsoever, as to all Discharges and * Exemptions from Penalties or Forfeitures upon Account of their Dissenting, separate Meetings, or other Matters, wherein Toleration and Ease is granted to Protestants Dissenters, by one Act made in the first Year of the Reign of his present Majesty, and his late Consort Queen *Mary*, of blessed Memory, entitled, *An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws*: And by another Act, made

* *Exemplications* in the Record.

CHAP. I.

made in the Seventh and Eighth Years of the Reign of his preſent Majeſty, entitled, *An Act that the ſolemn Affirmation or Declaration of the People called Quakers, ſhall be accepted inſtead of an Oath in the uſual Form*; ſhall have the full Benefit of all Exemptions, Eaſe and Indulgence, by the ſaid Acts granted and allowed, according to the true Intent and Meaning of the ſaid Acts; they reſpectively conforming themſelves in their Meeting and Aſſembling, and in all other Things, to the Orders and Rules enjoined by the ſaid Acts; with this Alteration only, that the ſeveral Things required or appointed by the ſaid Acts to be done, by or at the General or Quarter Seſſions of the Peace, or any other Court whatſoever, or by two, or to any one ſingle Juſtice of the Peace, ſhall be done by, to, and at the reſpective County Courts of this Province, within whoſe Juriſdiction the Matter ſhall fall out, and before, to, or by the Juſtices of the ſame: And that the ſeveral Places, uſed for Religious Worſhip by any ſuch Diſſenting Congregation or Aſſembly, ſhall be certified unto, and regiſter'd at the ſaid County Court, in the ſame Manner as is by the ſaid firſt mentioned Act appointed to be done to the Biſhop of the Dioceſe, the Archdeacon of the Archdeaconry, and the Juſtices of the Peace at their General or Quarter Seſſions.

What is required by thoſe Acts ſhall be done by or at the County Courts, &c.

Meeting-Houſes, &c. to be certified unto and regiſter'd at the County-Courts,

The Act of Aſſembly 1700, *ch.* 1, repealed.

XXII. **Provided alſo, and be it further Enacted,** That one Act made at a General Aſſembly, begun and held at the Port of *Annapolis*, the Twenty-ſixth Day of *April* 1700, entitled *An Act for the Service of Almighty GOD, and the Eſtabliſhment of Religion in this Province, according to the Church of* England, *&c.* be, and is hereby repealed and made void.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

Paſſed 25th *March* 1702. *An Act for Preſervation of Orphans Real Eſtates. Lib.* LL. N° 2. *fol.* 411.

CHAP. III.

Ditto. *An Act prohibiting Horſe-Racing on Saturday. Lib.* LL. N° 2. *fol.* 413. *EXP.*

CHAP. IV.

Ditto. *An Act for the Relief of* Kent *and* Calvert *Counties. Lib.* LL. N° 2. *fol.* 413.

CHAP. V.

Ditto. *Petition of* John Needles *and* Elizabeth *his Wife, and* John Sherrard *and* Lucy *his Wife, and of* Mary Mann, *Spinſter, all of* Talbot *County. Lib.* LL. N° 2. *fol.* 415. *PR.*

Viz. Confirmation of *Edward Mann*'s Deviſe of 1140 Acres of Land at *Kingſton*, to be equally divided between his Daughters, which was ſigned and ſealed, but not witneſſed and proved.

CHAP. VI.

Ditto. *An Act for the Naturalization of* Hermanus Schee, *Gent.* Iſaac Vanbibber, *Gent.* Matthias Vanbibber, *Merchant, and* Derrick Colieman, *Planter, all of* Cæcil *County*; James Broord, *and* James Broord, John Broord, *and* Solomon Broord, *his Sons, of* Kent *County*; *and* Sebaſtian Oley, *of* Ann-Arundel *County. Lib.* LL. N° 2. *fol.* 417. *PR.*

CHAP. VII.

Ditto. *An Act prohibiting the Abuſes committed by Wood-Rangers. Lib.* LL. N° 2. *fol.* 418.

At a Seſſion of ASSEMBLY, begun and held at the Town and Port of *Annapolis*, on the 25th, and ended the 27th Day of *June*, in the firſt Year of the Reign of our Sovereign Lady Queen ANNE, *&c. Annoq; Domini* 1702, was Enacted the following Law.

NATHANIEL BLAKISTON, Eſq; Governor.

CHAP. VIII.

Paſſed 27th *June* 1702. *An Act for apportioning the public Levy of this Province.*

At

At a Seſſion of ASSEMBLY, begun and held at the Port of *Annapolis*, on the 26th, and ended the 29th Day of *October*, in the ſecond Year of the Reign of her moſt ſacred Majeſty Queen ANNE, of *England*, &c. *Annoq*; *Domini* 1703, were Enacted the following Laws.

THOMAS TENCH, Eſq; Preſident.

CHAP. I.

An Act for Reviving ſome Temporary Laws of this Province. *Lib.* LL. N° 2. *fol.* 425. Paſſed 29th of *October* 1703.

CHAP. II.

An Act impowering a Committee to lay, aſſeſs, and apportion the Public Levy, for this preſent Year, One Thouſand Seven Hundred and Three. *Lib.* LL. N° 2. *fol.* 426. Ditto.

At a Seſſion of ASSEMBLY, begun and held at the Town and Port of *Annapolis*, in *Ann-Arundel* County, on the 26th Day of *April*, and ended the 3d Day of *May*, in the third Year of the Reign of our Sovereign Lady ANNE, by the Grace of GOD, of *England*, *Scotland*, *France*, and *Ireland*, Queen, Defender of the Faith, &c. *Annoq*; *Domini* 1704, were Enacted the following Laws. 1704.

JOHN SEYMOUR, Eſq; Governor.

CHAP. I.

An Act of Recognition. *Lib.* LL. N° 2. *fol.* 428. *OBS.* Paſſed 3d of *May* 1704.

CHAP. II.

An Act for the Naturalization of Chriſtopher Smithers, *of the Port of* Annapolis, *Taylor*; Arnold Livers, *Taylor*; *and* John Tawert, *of* Cæcil *County*, *Gentleman*. *Lib.* LL. N° 2. *fol.* 429. *PR.* Ditto.

CHAP. III.

An Act to enable the Executors of Nicholas Millbourne, *late of* Talbot *County*, *Merchant*, *to ſell his Lands for the Payment of his juſt Debts within this Province.* *Lib.* LL. N° 2. *fol.* 429. *PR.* Ditto.

CHAP. IV.

An Act reviving an * *Act for Limitation of Officers Fees.* *Lib.* LL. N° 2. *fol.* 431. *EXP.* Ditto.

* 1699, *ch.* 49, hereby revived for 3 Years. A new Law was made 1704, *ch.* 86.

CHAP. V.

An Act reviving an † *Act for quieting Differences that may ariſe between her Majeſty's Subjects within this Province, and the ſeveral Nations of* Indians *of what Places ſoever.* *Lib.* LL. N° 2. *fol.* 432. *EXP.* Ditto.

† 1700, *ch.* 6, hereby revived for 3 Years. A new Law made 1717, *ch.* 14.

CHAP. VI.

An Act reviving an ‖ *Act for laying an Impoſition of Three Pence per Hogshead on Tobacco, for defraying the public Charge of this Province.* *Lib.* LL. N° 2. *fol.* 433. *EXP.* Ditto.

‖ 1701, *ch.* 2, hereby revived for 3 Years. A new Law 1704, *ch.* 64.

CHAP. VII.

Passed 3d of May 1704. *An Act reviving an * Act for ſummoning Grand and Petit Juries. Lib.* LL. N° 2. *fol.* 433. EXP.

* 1699, *ch.* 29, hereby revived for 3 Years. A new Law made 1704, *ch.* 89.

CHAP. VIII.

Ditto. *An Act reviving an † Act for ordering and regulating the Militia of this Province, for the better Defence and Security thereof. Lib.* LL. N° 2. *fol.* 434. EXP.

† 1699, *ch.* 47, hereby revived for 3 Years.

CHAP. IX.

Ditto. *An Act for reviving an ‖ Act for raiſing a Supply towards the defraying the public Charge of this Province, and to prevent too great a Number of* Iriſh *Papiſts being Imported into this Province. Lib.* LL. N° 2. *fol.* 435.

‖ 1699, *ch.* 29, hereby revived for 3 Years, or to the End of the next Seſſion.

CHAP. X.

Ditto. *An Act for ſettling a Revenue on her Majeſty's preſent Governor. Lib.* LL. N° 2. *fol.* 436. EXP.

CHAP. XI.

Ditto. *An Act for repealing a Clauſe in an Act of Aſſembly, entitled, ‡ An Act for Eſtabliſhment of Religious Worſhip in this Province,* &c. *and alſo for appointing the Oaths of Abjuration to be taken in this Province. Lib.* LL. N° 2. *fol.* 437. QBS.

‡ 1702, *ch.* 1. *N. B.* The Clauſe hereby repealed, is that which obliges the Veſtry-men to ſubſcribe the Aſſociation, now no longer neceſſary, by the Death of King *William* the Third. An Act to the ſame Purpoſe paſſed 1715, *ch.* 30.

CHAP. XII.

Ditto. *An Act to declare how the Forty Pounds of Tobacco per Poll, in ſuch Pariſhes where there is no Incumbent, ſhall be diſpoſed of. Lib.* LL. N° 2. *fol.* 440. REP. 1715, *ch.* 49, *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 24.

CHAP. XIII.

Ditto. *An Act for the Sale of Part of the Lands of Captain* Henry Smith, *late of* Somerſet *County, for the Payment of his juſt Debts. Lib.* LL. N° 2. *fol.* 442. PR.

At a Seſſion of ASSEMBLY begun and held at the Town and Port of *Annapolis*, in *Ann-Arundel* County, the Fifth Day of *September*, and ended the Third Day of *October*, in the third Year of the Reign of our Sovereign Lady ANNE, by the Grace of GOD, of *England*, *Scotland*, *France*, and *Ireland*, Queen, Defender of the Faith, &c. *Annoq; Domini* 1704, were Enacted the Laws following.

JOHN SEYMOUR, Eſq; Governor.

CHAP. XIV.

Paſſed 3d of October 1704. *An Act directing the Manner of ſuing out Attachments in this Province, and limiting the Extent of them. Lib.* LL. N° 3. *fol.* 1. REP. 1715, *ch.* 49. *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 40.

CHAP. XV.

Ditto. *An Act of Directions for the Sheriff's Office in this Province, and for the more eaſy Payment of the Public and County Levies. Lib.* LL. N° 3. *fol.* 5. EXP.

This Act was paſſed for 3 Years, and by 1707, *ch.* 21, was continued for 3 Years longer, and alſo by 1710, *ch.* 15. A new Law was made 1713, *ch.* 1.

CHAP.

CHAP. XVI.

An ACT for the Encouragement of such Persons as will undertake to build Water-Mills. *Lib.* LL. N° 3. *fol.* 10.

Passed 3d of *October* 1704.

Other Acts relating to Water-Mills, are 1753, *ch.* 16, and 1756, *ch.* 12.

Preamble.

DAILY Experience sheweth, that the Want of Water-Mills is the true Cause that Husbandry in Tilling the Ground, and for Sowing of Wheat and Barley, is but coldly prosecuted, though the Advantage thereby in raising the Stock of neat Cattle be great; and forasmuch as the most Part of the Places fit for setting up of Water-Mills, are already in the Hands of Persons under Age, or unable to be at the Charge of Building a Water-Mill, or else such as are wilfully obstinate in forbidding and hindering such Persons as would purchase the said Places fit for building Water-Mills, and set them up, to the Increase of our Trade and Navigation; much to the public Damage of this Province:

Writ of *Ad quod Damnum* for Land to set a Water-Mill on.

II. **Be it Enacted** *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That if any Person or Persons, from and after the Publication hereof, shall desire to set up a Water-Mill upon any Land next adjoining to any Run of Water within this Province, not being the proper Possession or Free-hold of such Person or Persons, nor Leased to them, to the Intent thereon to set a Water-Mill, they shall purchase a Writ out of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him, by the Oath of Twelve Men of his County to inquire what Damage it would be to her Majesty, or others, to have a Mill set up in such Place as aforesaid; the Form of which Writ followeth, *viz.*

Form of the Writ.

" *ANNE, by the Grace of GOD, of* England, Scotland, France, *and* Ire-
" land, *Queen, Defender of the Faith,* &c.

" To the Sheriff of *A*..... County, Greeting.

" *We command you, that by the Oaths of Twelve honest and lawful Men of the*
" *County, by whom the Truth of the Matter may be better known, you diligently*
" *inquire, if it be to the Damage of us, or others, if we grant* N. N. *of* N.
" *County, Twenty Acres of Land, lying at* N. *in the County aforesaid,* viz. *Ten*
" *Acres on one Side such Run, and Ten Acres on the other Side of such Run of*
" *Water, together with Liberty to take, fall, cut down, and carry away, either*
" *by Land or Water, any Wood or Timber fit for building a Mill, other than*
" *Timber fit to split into Clap-boards, upon any of the Lands next adjoining to*
" *the said Twenty Acres of Land lying on each Side of the said Run of Water,*
" *at* N. N. *aforesaid, in the County aforesaid: And if it be to the Damage and*
" *Prejudice of us, or others, then to what Damage and Prejudice of us, and to*
" *what Damage and Prejudice of others, and of whom, and in what manner, and*
" *how, and of what Value they are by the Year, according to the true Value there-*
" *of now, before any further Improvement of the said Twenty Acres of Land,*
" *and who are the present Possessors of the said Twenty Acres of Land, and what*
" *Lands and Tenememts remain to the present Possessor, over the said Twenty A-*
" *cres: And if the said Land remaining to the present Possessors, over the said*
" *Twenty Acres, will suffice to uphold their Manor,* viz. *the Sixth Part of their*
" *Manor allotted by the Conditions of Plantations, for the Demesne, as before the*
" *Alienation; so as the County, by the Alienation aforesaid, in Default of the pre-*
" *sent Possession, more than was wont, be not charged and grieved: And the In-*
" *quisition thereupon, openly and distinctly made to us, in our Chancery, under the*
" *Seal and the Seals of them by whom it was made, without Delay send,* &c."

20 Acres of Land, *viz.* 10 Acres on one Side, and 10 Acres on the other Side of the Run of Water.

In case the Owner of the Land refuse to build a Mill thereon

Upon Return of which Writ, in case the Person or Persons, who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Mill upon, shall refuse to build a Mill thereon within One Year, from

CHAP. XVI.

from that Day to be computed and reckoned, and give Security the ſame Building to proſecute and finiſh within Two Years after the ſaid Beginning, or laying the Foundation as aforeſaid, for the public Good of the Province, it ſhall and may be lawful for her ſaid Majeſty, her Heirs, or Succeſſors, or for their Chief Governor here, for the Time being, from Time to Time, to grant any ſuch Twenty Acres of Land fit to build a Water-Mill upon as aforeſaid, together with free Egreſs and Regreſs to the ſaid Water-Mill, either by Land through any Man's Land next adjoining, or elſe by Water; together with Liberty to fall any Timber for building the ſaid Water-Mill, other than Board-Timber fit to ſplit or cleave into Clap-boards, for any Time or Term, not exceeding Eighty Years then next to come, under the yearly Rent of the Land then, by the Oath of Twelve Men, by virtue of the Writ aforeſaid, returned to be paid to the Owner of the ſaid Land ſo found and returned as aforeſaid. Which ſaid Grant from her ſaid Majeſty, her Heirs and Succeſſors, or from the Governor here, for the Time being as aforeſaid, ſhall be good and available in Law to the Grantee as aforeſaid, for any Term of Years, not exceeding Eighty Years as aforeſaid, againſt all Perſons whatſoever; any Law, Cuſtom, or Uſage, heretofore had, made, or uſed within this Province, to the contrary notwithſtanding.

in one Year, &c. A Grant may be made thereof;

not to exceed 80 Years, under the yearly Rent returned by the Jury.

III. **Provided always**, That before any Perſon or Perſons whatſoever, ſhall have ſuch Grant to build a Water-Mill as aforeſaid, he, or they, ſhall enter into Bond to her ſaid Majeſty, with Two ſufficient Sureties, in the Sum of Fifty Thouſand Pounds of Tobacco, with Condition to begin to build the ſaid Water-Mill within One Year then next to come, and the Building to proſecute and finiſh within Two Years after ſuch Beginning.

The Grantee to give Security for building the Mill.

IV. **And** for the great Advantage that is already found to the Province in general by the Mills already built, ſome of which do ſtand upon Lands whereof the Title is doubtful, for Want of due Form of the Conveyance, or of the Laſt Wills and Teſtaments by which the Lands have been conveyed or deviſed to the Builders of ſuch Mills; **Be it therefore Enacted** *by the Authority aforeſaid*, That all and every ſuch Perſon or Perſons as aforeſaid, who have built Mills, ſhall or may have ſuch Writ or Writs as aforeſaid, to inquire of the true yearly Value of the Land where ſuch Mill doth ſtand, and of Ten Acres of Land on each Side of the ſaid Run as aforeſaid; and upon Return of ſuch Writ as aforeſaid, ſhall have a Grant from her Majeſty's Chief Governor here as aforeſaid, for any Term, not exceeding Eighty Years, and yearly Rent return as aforeſaid, to be paid to the right Owner of the ſaid Land as aforeſaid, any Law, or Uſage, to the contrary hereof in any wiſe notwithſtanding.

The like Writs and Grants thereon, may be had by Perſons who had erected Mills before this Act.

V. **And be it Enacted** *by the Authority aforeſaid*, That from and after the Publication hereof, no Perſon or Perſons whatſoever, having, or that ſhall hereafter have obtained any Grant for any Lands, whereof ſuch Perſon or Perſons are not the real Owners or Poſſeſſors thereof, and whereupon he, ſhe, or they, have already built, or ſhall hereafter build a Water-Mill, as this Law hath before directed, ſhall have any Right, Title or Claim, to any Land granted for any Time or Term whatſoever, after ſuch Mill by him or them already built as aforeſaid, or that ſhall hereafter be built, ſhall be caſually broke, or gone to Decay as aforeſaid, other than Two Years for the new erecting, building, finiſhing and repairing of ſuch Mill as aforeſaid, but that in all and every caſe where any Perſon or Perſons that have already built, or that ſhall hereafter build any Water-Mill, which are, or that hereafter ſhall be broke, or gone to Decay as aforeſaid, and ſhall not within Two Years after the Publication hereof, or within Two Years after ſuch Mill ſhall become broke, or gone to Decay as aforeſaid, cauſe the ſame to be new builded, repaired and finiſhed as aforeſaid, it ſhall and may be lawful for the real Owner or Owners of ſuch Land, to ſuch Perſon or Perſons ſo granted as aforeſaid, to re-enter upon the ſame; and in caſe ſuch Perſon or Perſons ſhall refuſe or deny to give the Owner or Owners of ſuch Land as aforeſaid, peaceable and quiet

Two Years to be allowed ſuch Grantees for new erecting, &c. any Water-Mill, which ſhall be caſually broke, &c. Or in Default thereof, the Owner of the Land may re-enter.

quiet Poſſeſſion thereof, ſuch Owner or Owners ſhall and may recover his Right to the ſame by Ejectment, or otherwiſe as the Law directs; any thing in this Act contained to the contrary notwithſtanding. CHAP. XVI.

VI. And for Prevention of the Abuſe frequently committed by Perſons keeping Water-Mills, by taking exceſſive Toll, Be it therefore Enacted *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That from and after the Publication hereof as aforeſaid, no Maſter, Owner, Miller, or other Perſon, properly belonging to, or otherwiſe owning any Mill within this Province, ſhall aſk, demand or receive, for Grinding any Quantity or Quantities of *Indian* Corn or Wheat whatſoever, above the Sixth Part of every Buſhel of *Indian* Corn, and Eighth Part of every Buſhel of Wheat, by him or them ſo Ground as aforeſaid; upon Penalty and Forfeiture of One Thouſand Pounds of Tobacco, one Half to the Uſe of her Majeſty, her Heirs and Succeſſors, for the Support of Government, and the other Half to him or them that ſhall inform, or ſue for the ſame; to be recovered in the reſpective County Courts, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed; any other Act, Uſage or Cuſtom to the contrary notwithſtanding. Millers Toll ſettled. Penalty for exacting more.

VII. Provided always, That if any Perſon, upon Encouragement of former Acts, hereby repealed, have begun to build any Mill, they ſhall ſtill have all thoſe Advantages that they might have had by ſuch Act hereby repealed, as if the former Act or Acts were ſtill in Force. Rights under former Acts ſecured.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

An Act declaring, that the Altering or Scratching out of the Mark of any Tobacco, or Altering the Quality thereof, after received, without lawful Order or Warrant, ſhall be deemed and adjudged Felony. *Lib.* LL. N° 3. *fol.* 15. *OBS.* Paſſed 3d of *October* 1704.

This Law is re-enacted in 1715, *ch.* 22, §. 5 and 6.

CHAP. XVIII.

An Act for the Publication of all Laws within this Province. *Lib.* LL. N° 3. *fol.* 15. *REP.* 1715, *ch.* 49, *and* 1719, *ch.* 16. Ditto.

A new Act made 1715, *ch.* 25.

CHAP. XIX.

An Act declaring ſeveral Acts of Aſſembly, formerly made, to be in Force. *Lib.* LL. N° 3. *fol.* 16. Ditto.

The original Act was burned with the Court-houſe, before it had been compared with the Record; and was therefore, (among others) re-enacted in *December* Seſſion this Year, *ch.* 94.

CHAP. XX.

An Act for the better Adminiſtration of Juſtice in Probat of Wills, and granting Adminiſtrations, recovering of Legacies, and ſecuring Filial Portions. *Lib.* LL. N° 3. *fol.* 17. *REP.* 1715, *ch.* 49, *and* 1719, *ch.* 16. Ditto.

A new Act made 1715, *ch.* 39.

CHAP. XXI.

An ACT for the Marking of Highways, and making the Heads of Rivers, Creeks, Branches and Swamps, paſſable for Horſe and Foot. *Lib.* LL. N^b 3. *fol.* 35. Ditto.

Supplementary and other Acts relating to High-roads, are 1723, *ch.* 17; 1724, *ch.* 14; 1736, *ch.* 17; 1750, *ch.* 14; 1753, *ch.* 16; and 1756, *ch.* 12.

WHEREAS it is thought convenient, and very much for the Benefit of the Inhabitants of this Province, that Roads and Paths be marked, and the Heads of Rivers, Creeks and Branches, be made paſſable; Preamble,

II. Be it therefore Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province;*

CHAP. XXI.

Public Roads to be cleared 20 Foot wide, &c.

Province, and the Authority of the ſame, That all Public and Main Roads be hereafter cleared, and well grubbed, fit for Travelling, Twenty Foot wide; and good and ſubſtantial Bridges made over all Heads of Rivers, Creeks, Branches and Swamps, where Need ſhall require, at the Diſcretion of the Juſtices of the County Courts.

County-Courts to aſcertain the public Roads, and appoint Overſeers, annually.

Penalties, *viz.* On Perſons altering public Roads.

III. And for the better aſcertaining what is or ſhall be deemed Public Roads, Be it likewiſe Enacted *by the Authority aforeſaid,* That the Juſtices of the County Courts ſhall ſet down and aſcertain in their Records, once every Year, what are the Public Roads of their reſpective Counties, and appoint Overſeers of the ſame: And that no Perſon whatſoever ſhall alter or change any ſuch Public Roads, without the Leave or Licence of the Governor and Council, or Juſtices of the County Courts, upon Penalty of Five Hundred Pounds of Tobacco.

Overſeers neglecting their Duty.

Labourers refuſing Obedience.

Maſters refuſing to ſend their Male Taxables.

The County Clerk neglecting to iſſue Warrants.

The Sheriff neglecting to deliver the ſame to the Overſeers.

How to be recovered.

IV. And if any Overſeer ſo appointed, ſhould neglect to clear the Roads ſo as aforeſaid, he ſhall be fined Five Hundred Pounds of Tobacco in Caſk. And every Labourer that ſhall refuſe to ſerve and obey the Overſeer, and every Maſter of Servants, that being ſummoned or warned, ſhall refuſe to ſend * all his Taxable Male Servants to the Overſeer aforeſaid, he or they ſhall be fined *(That is to ſay)* every Labourer, One Hundred Pounds of Tobacco; and the ſaid Maſter, for every Servant warned and not ſent, One Hundred Pounds of Tobacco. And the Clerk of the County is hereby obliged to iſſue out Warrants to the Overſeers appointed, upon Penalty of One Thouſand Pounds of Tobacco; and the Sheriffs of each reſpective Counties are to deliver the ſame to the ſeveral and reſpective Overſeers ſo appointed as aforeſaid, *ex Officio,* on Penalty of One Thouſand Pounds of Tobacco in Caſk: The one Half of all which Fines, ſhall be employed and diſpoſed of towards the defraying the County Charge, in ſuch manner as the Commiſſioners of each reſpective County ſhall, in their Diſcretion, think convenient; the other Half to him or them, that ſhall inform, or ſue for the ſame; to be recovered in her Majeſty's Name for the Uſe aforeſaid, by Bill, Plaint, or Information †, in any Court of Record within this Province, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

* Owners of Water-Mills are not obliged to ſend any of their Taxables to work on Public Roads. See 1753, *ch.* 16; and 1756, *ch.* 12. Owners of Iron-Works are obliged only to ſend One out of every Ten Labourers employed in ſuch Works. See 1750, *ch.* 14.

† The Manner of Recovery of Fines for not appearing at the Clearing of the Highways, is altered by the Act of 1723, *ch.* 17; which directs ſuch Offenders to be proſecuted before a Single Magiſtrate.

How public Roads ſhall be marked.

V. And that all the Roads that lead to any Ferries, Court-houſe of any County, or to any Church, or leading through any County to the Port of *Annapolis,* ſhall be marked on both Sides the Road with Two Notches; if the Road lead to *Annapolis,* the Road that leads there, at the leaving the other Road, ſhall be marked on the Face of the Tree, in a ſmooth Place cut for that Purpoſe, with the Letters A A ſet on with a Pair of Marking-Irons, and coloured; and ſo with Two Notches all along the Road: And where at any Place it leaves any other Road, ſhall be again diſtinguiſhed with the Mark aforeſaid, on the Face of the Tree, with a Pair of Marking-Irons, and coloured as aforeſaid. And any Road on the Eaſtern Shore, in *Talbot* County,

Oxford Roads. that leads to the Port of * *William-Stadt* at the entering into the ſame, and upon parting with or dividing from any other Road, ſhall be marked on the Face of a Tree, in a ſmooth Place cut for that Purpoſe, with the Letter W, and ſo with Two Notches all along the Road. And the Roads that lead to any

Court-houſe Roads. County Court-houſe, ſhall have Two Notches on the Trees on both Sides of the Road as aforeſaid, and another Notch a Diſtance above the other two. And

Church Roads. any Road that leads to a Church, ſhall be marked at the Entrance into the ſame, and at the leaving any other Road, with a Slip cut down the Face of

Ferry Roads. the Tree, near the Ground. And any Road leading to a Ferry, and dividing from

from other public Roads, shall be marked with Three Notches of equal Distance at the Entrance into the same. And these Rules and Methods, the several Justices of the County Courts, shall, from Time to Time, give in Charge to the Overseers of the Highways, by them to be appointed for that Purpose; who are likewise enjoined carefully and strictly to observe and perform the same, under the Penalty aforesaid. CHAP. XXI.

* Commonly called *Oxford*. See the Act of 1695, *ch.* 7.

VI. And where any Road shall lead through any Seated Plantation or Old Fields, Be it Enacted *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the several and respective Overseers, within their several and respective Precincts, do set up Posts, so many as may be perceived from one to the other; which Posts shall be marked and notched according to the Place they lead to, as before in this Act, for the Marking and Notching of Roads, have been appointed: And that the Posts of all Gates, through which any such Road shall lead as aforesaid, be marked and notched as aforesaid, under the Penalty aforesaid; any thing in this Act to the contrary notwithstanding. And that the said Overseers, shall, from Time to Time, as often as Occasion shall require, fall all dead Trees on each Side of all main Roads, whose Limbs hang over the Road, to prevent any Damage that may happen by their falling on Travellers.

Roads leading through Seated Plantations, to be distinguished by marked Posts.

Gate Posts to be marked.

Dead Trees to be felled.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXII.

An Act prohibiting all Masters of Ships or Vessels, or any other Persons, from transporting or conveying away any Person or Persons out of this Province without Passes. Lib. LL. N° 3. *fol.* 38. *REP.* 1715, *ch.* 49, *and* 1719, *ch.* 16.

Passed 3d of *October* 1704.

A new Law made 1715, *ch.* 19.

CHAP. XXIII.

An Act relating to Servants and Slaves. Lib. LL. N° 3. *fol.* 40. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

Ditto.

A new Law made 1715, *ch.* 44.

CHAP. XXIV.

An Act for quieting of Possessions, enrolling of Conveyances, and securing the Estates of Purchasers. Lib. LL. N° 3. *fol.* 50. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

Ditto.

A new Law made 1715, *ch.* 47.

CHAP. XXV.

An Act for the speedy Trial of Criminals, and ascertaining their Punishments in the County Courts, when prosecuted there. Lib. LL. N° 3. *fol.* 56. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

Ditto.

A new Law made 1715, *ch.* 26.

CHAP. XXVI.

An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. Lib. LL. N° 3. *fol.* 60.

Ditto.

The original Act was burned with the Court-house, before it had been compared with the Record, and was therefore (among others) re-enacted in *December* Session this Year, *ch.* 87.

CHAP. XXVII.

An ACT for laying an Imposition on several Commodities Exported out of this Province. *Lib.* LL. N° 3. *fol.* 67.

Ditto.

BE it Enacted *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That from and after the Publication hereof, no Person or Persons whatsoever, inhabiting or residing within this Province, shall Export any * Furs or Skins, within this Act hereafter mentioned and expressed, but what he, she or they, shall pay unto her sacred Majesty, her Heirs and Successors (to be employed towards the maintaining of a Free-School or Schools within this Province) the several Duties and Imposts hereafter following *(That is to say)* for every Bear-Skin, Nine Pence Sterling:

The Duties arising from this Act, to be employed towards the Maintenance of Free-Schools.

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Sterling: For Beaver, Four Pence per Skin: For Otter, Three Pence per Skin: For Wild-Cats, Foxes, Minks, Fiſhers and Wolves Skins, One Penny Halfpenny per Skin: For Muſk-Rat, Four Pence per Dozen: For Raccoons, Three Farthings per Skin: For Elk-Skins, Twelve Pence per Skin: For Deer-Skins dreſſed or undreſſed, Four Pence per Skin: For young Bear and Cubb-Skins, Two Pence per Skin. And that all Non-reſidents, from and after the Publication hereof, that ſhall Export out of this Province, any Furs or Skins herein before mentioned and expreſſed, ſhall, for every Skin or Furs by him exported, of what Nature or Quality ſoever, being comprized within this Act, pay unto her Majeſty, her Heirs and Succeſſors, for the Uſe aforeſaid, double the Duty by this Act appointed to be paid by Perſons inhabiting or reſiding within this Province as aforeſaid. The ſame ſeveral Impoſitions to be collected by the ſeveral and reſpective Naval Officers within this Province, which ſaid Naval Officers, ſhall, once a Year, render an Account of the ſaid Impoſition to the Public Treaſurers of the Province for the Time being, who ſhall, and are hereby authorized and impowered to receive the ſame, and render an Account thereof to the General Aſſembly of this Province, to the Uſes, Intents and Purpoſes, aforeſaid.

To be collected by the ſeveral Naval Officers, who ſhall annually account for the ſame.

* This Act, ſo far as relates to the laying an Impoſt or Duty on Furs and Skins only, is repealed by the Act of 1723, *ch.* 11, §. 1.

II. And to the End the ſeveral Impoſitions may be juſtly and duly paid, without Fraud or Deceit, Be it Enacted *by the Authority, Advice and Conſent aforeſaid*, That any Perſon or Perſons whatſoever, exporting any Furs or Skins out of this Province, ſhall, at or before ſhipping on board of ſuch Veſſel in which ſuch Skins or Furs ſhall be exported as aforeſaid, render upon Oath, an Account of the Nature, Quantity and Quality of the ſaid Skins by him, her or them exported as aforeſaid; and whether the ſame be his, her or their proper Goods and Commodities, or the Goods and Commodities of any other Perſon or Perſons; then, whether he, ſhe or they, to whom they properly belong as aforeſaid, be Inhabitants or Reſidents of this Province as aforeſaid: Which ſaid Oath ſhall be adminiſtered by the ſeveral and reſpective Naval Officers, or their Deputies thereunto eſpecially appointed. And if any Perſon or Perſons, whether Inhabitants or Non-reſidents, ſhall put on board any Ship, or other Veſſel, any Furs or Skins, for which he, ſhe, or they, ſhall not have paid the Impoſition aforeſaid, or given good and ſufficient Caution for the ſame, to the Naval Officer of the Port or Place from whence ſuch Furs and Skins ſhall be ſhipped as aforeſaid, or to his Deputy, for the Time being, and a Certificate, from under the Hand of ſuch Naval Officer, or his Deputy, produce for the Payment, or Caution by him given for Payment of the Impoſition aforeſaid, he, ſhe, or they, ſo offending, ſhall forfeit and loſe all his, her or their Furs and Skins, ſo ſhipped as aforeſaid; one Half thereof to her ſaid Majeſty, her Heirs and Succeſſors, for the Uſe aforeſaid, the other Half to him or them that ſhall inform, or ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Shipping ſuch Goods before Duty paid, and Certificate from ſuch Naval Officer;

ſhall incur a Forfeiture of the Goods.

III. And that the Maſter of any Ship or Veſſel, that ſhall willingly or knowingly, take on board his ſaid Ship or Veſſel, any Skins or Furs as aforeſaid, for which the Party or Parties ſhipping the ſame, ſhall not produce a Certificate as aforeſaid, being thereof lawfully convict, ſhall forfeit and pay the Sum of Five Thouſand Pounds of Tobacco; one Half thereof to her ſacred Majeſty, her Heirs and Succeſſors, for the Uſes aforeſaid, the other Half to him or them that ſhall inform, or ſue for the ſame, to be recovered as aforeſaid.

Certificates to be produced to Maſters of Veſſels.

IV. And that the ſeveral and reſpective Naval Officers of the ſeveral and reſpective Ports may, and are hereby authorized and impowered, when and as

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as often as he or they shall think fit, to enter into any Ship or Vessel Trading to and from this Province, and into any House, Ware-house, or other Building, and open any Trunk, Chest, Cask or Fardle, and Search to make in any Part or Place of such Ship or Vessel, Houses or Buildings as aforesaid, where such Naval Officer shall suspect any Furs or Skins to be as aforesaid, for which no Account is given, or Duty paid, as aforesaid; and upon finding any such Furs and Skins unqualified for Exportation as aforesaid, them to seize and have condemned, as by this Law is before directed.

Power of the Naval Officers to enter any Ships, Vessels, Houses, &c. to search for and make Seizure of Goods.

V. And be it further Enacted *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That from and after the Publication hereof as aforesaid, all Persons not being Inhabitants of this Province, exporting out of the same, any Pork, Beef, or Bacon, shall pay unto her sacred Majesty, her Heirs and Successors, for the Use in this Act before mentioned and expressed, the several Imposts following, *That is to say*, For dried Beef and Bacon, Twelve Pence the Hundred Weight, and so proportionably for any greater or lesser Quantity; and for Pork and Beef undried, Twelve Pence the Barrel, each Barrel to contain Two Hundred Weight: And that no undried Beef and Pork be exported out of this Province, but in Cask as aforesaid. Which said several Impositions shall be collected and gathered by the several and respective Naval Officers, who shall be accountable for the same as aforesaid; and have full Authority to enter any Ship or Vessel as aforesaid, and to make Search for any such Goods as aforesaid, in such Method and Manner as in this Act is before mentioned and expressed.

Non-residents to pay Duty, *viz.*

For dried Beef and Bacon, exported 12 *d.* per C. Weight.

For Pork and Beef undried, 12 *d.* per Barrel, containing 200 Wt.

No undried Beef or Pork to be exported but in Cask.

VI. And if any Person or Persons, being Non-residents as aforesaid, shall put on board any Ship or Vessel, any Beef, Bacon or Pork, for which he, she or they shall not have a Certificate as aforesaid, or that shall ship on board, any Beef or Pork undried, not being in Cask as aforesaid, such Person or Persons so offending, shall forfeit and lose all his, her and their Meat so shipped as aforesaid; one Half to her said Majesty, her Heirs and Successors, to the Use aforesaid, and the other Half to the Informer, to be recovered as aforesaid.

Non-residents shipping any Beef, &c. without Certificate, forfeit all such Meat.

VII. And every Master of a Ship or Vessel, that shall wittingly or knowingly take on board his said Ship or Vessel, any Beef, Bacon or Pork, contrary to the true Intent and Meaning of this Act, being thereof legally convict, shall forfeit and pay the Sum of Five Thousand Pounds of Tobacco; one Half thereof to her said Majesty, her Heirs and Successors, for the Use aforesaid, the other Half to the Informer, or him or them that shall sue for the same, to be recovered as aforesaid.

Masters of Ships, &c. taking on board Beef, &c. contrary to this Act; forfeit 5000 lb Tobacco.

VIII. And for the better understanding what Persons shall be adjudged Non-residents, It is hereby Declared and Enacted *by the Authority, Advice and Consent aforesaid*, That all Persons whatsoever, Trading to and from this Province, shall be adjudged, deemed and taken as Non-residents, not having a seated Plantation of Fifty Acres of Land at the least, where he, she, or they, with their Family (if any) have resided for and during the Space of one whole Year, and that within the Time and Term of Twelve Months before any Benefit claimed by virtue of this Act, or that hath, or hereafter shall have, an House in some Port or Town, as his or their proper Free-hold, being Forty Foot in Length, and Twenty Foot in Breadth, with two Brick Chimneys to the same; wherein he, she or they shall have resided for and during the Space of one whole Year as aforesaid: And that no such Person or Persons, Trading to and from this Province, having Houses in any Town or Port within the same, whereby he, she or they may claim any Benefit or Freedom in this Act given to the Inhabitants thereof, shall have, hold or enjoy, such Benefit and Privilege as aforesaid, any longer than he, she or they, or his, her or their Family, shall in such Port or Town actually inhabit and reside.

Who are to be deemed Non-residents.

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Persons Trading directly from *England* to this Province, shall have equal Privileges with the Inhabitants.

IX. **Provided always,** and it is the true Intent and Meaning of this Act, That no Person or Persons whatsoever, as shall Trade directly from *England* to this Province as aforesaid, be deemed, construed, reputed, or taken as Foreigners; but that all and every such Person or Persons, so Trading directly from *England* to this Province as aforesaid, have free Liberty in the Exportation of any Skins or Furs whatsoever, or in the Exportation of any Meat, dried or undried, equal with the Inhabitants of this Province, paying such Duties and Impositions for the said several and respective Commodities as this Law hath imposed upon the Inhabitants aforesaid, and no more.

Repeal of the Act of 1695, *ch.* 22.

X. **And be it also further Enacted** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That one former Act of this Province, entitled, *An Act for laying an Imposition upon several Commodities exported out of this Province,* be, and is hereby repealed.

But Transgressors of that Law, during its Existence, to be punished thereby.

XI. **Provided always,** and it is the true Intent and Meaning of this Act, That no Person or Persons whatsoever, having in any Part transgressed against the aforesaid Law, during the Time it was in Force, being as yet Undiscovered or Unprosecuted for the same, or under present Prosecution for the same, shall have and receive any Benefit or Advantage by the Repeal thereof; but that upon the Prosecution or Discovery of such Person or Persons so having offended as aforesaid, the said Law shall be pleadable in any Court within this Province, wherein any Plaint or Information is, or shall be brought, against such Person or Persons as aforesaid, and the Judgment thereupon, given by the Justices of the said Court, as the Nature of the Cause shall require, in as full and ample Manner, as though the said Law, at the Time of the rendering such Judgment, were then actually in Force; any thing before mentioned or recited to the contrary hereof notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVIII.

Passed 3d of October 1704. *An Act for the Encouragemeut of Tillage, and Relief of poor Debtors.* *Lib.* LL. N° 3. *fol.* 72. *EXP.*

To continue 3 Years. Revived 1708, *ch.* 20; and 1712, *ch.* 25. A new Law made 1715, *ch.* 17.

CHAP. XXIX.

Ditto. **An ACT for the Relief of Creditors in *England*, against Bankrupts who have imported any Goods into this Province, not accounted for.** *Lib.* LL. N° 3. *fol.* 74.

A Supplementary Act 1753, *ch.* 36.

The Factors, here, of Bankrupts in *England*, shall be accountable to the Commissioners of Bankrupts.

BE it Enacted *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That if any Person who is become Bankrupt in *England,* and hath imported into this Province any Cargo of Goods and Merchandizes, and the same consigned to any his Factor or Agent in this Province, who hath not accounted, or shall not have accounted for such Cargo to his Principal *(That is to say)* to the Bankrupt aforesaid, before an Action of Account be brought against such Factor or Agent, by the Commissioner of Bankrupt, or before a legal Demand made, to have Account of such Cargo to the said Commissioner, by the Agent, Factor, or Attorney of such Commissioner; that the Commissioners of Bankrupts, by virtue of this Act, may compel such Factor or Agent to account to them, as he should have done to the Principal: And the Commissioners of Bankrupt shall be adjudged, deemed and taken, to have the same Right to such Goods and Cargo, and the Produce of the same, as they have to any the Goods and Wares of the said Bankrupt in *England.*

II. Pro-

II. **Provided always**, That no ſuch Commiſſion ſhall be put in Uſe, or Executed, before ſuch Factor of ſuch Commiſſioners of Bankrupt put in good Security to ſatisfy the Debts contracted in this Province by ſuch Bankrupt Merchant, his Factor or Factors, under the Credit of ſuch Cargo or Cargoes of Goods imported, which are hereby ſuppoſed to be all ſuch Debts as ſhall be contracted by ſuch Bankrupt Merchant, his Factor or Factors, after Importation of ſuch Cargo or Cargoes. CHAP. XXIX. But the Factors of Commiſſioners of Bankrupts ſhall give Security for Payment of Country Debts.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXX.

An Act impoſing Nine Pence per Gallon on Rum, Spirits, Wine and Brandy, imported by Land from Penſylvania *into this Province. Lib.* LL. N° 3. *fol.* 75. Paſſed 3d of *October* 1704.

OBS. A new Law made 1715, *ch.* 36.

CHAP. XXXI.

An Act for the better Adminiſtration of Juſtice in the High Court of Chancery, Provincial and County Courts, ſpeedy Recovery of Debts, directing how ſmall Debts ſhall be recovered; and for the more eaſy obtaining of Execution againſt Perſons abſenting from the Counties where the Judgments were obtained againſt them. Lib. LL. N° 3. *fol.* 77. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 41.

CHAP. XXXII.

An Act for Appeals, and regulating Writs of Error. Lib. LL. N° 3. *fol.* 80. Ditto.

A new Law made 1712, *ch.* 5o

CHAP. XXXIII.

An Act impoſing Three Pence per Gallon on Rum and Wine, Brandy and Spirits; and Twenty Shillings per Poll for Negroes; for raiſing a Supply to defray the Public Charge of this Province; and Twenty Shillings per Poll on Iriſh *Servants, to prevent the importing too great a Number of* Iriſh *Papiſts into this Province. Lib.* LL. N° 3. *fol.* 83. *REP.* 1715, *ch.* 49; *and* 1719. *ch.* 16. Ditto.

To continue 3 Years. Revived 1708, *ch.* 16; and 1712, *ch.* 22. A new Law made 1715, *ch.* 36.

CHAP. XXXIV.

An ACT impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco to defray the neceſſary Charges of their Counties and Pariſhes. *Lib.* LL. No 3. *fol.* 87. Ditto.

Supplementary and other Acts relating hereto, are 1715, *ch.* 24; 1729, *ch.* 7; and 1748, *ch.* 20.

BE it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That for the future it ſhall and may be Lawful to and for the ſeveral and reſpective Commiſſioners of the ſeveral and reſpective County Courts within this Province, at their ſeveral and reſpective County Courts to be held for their ſaid Counties, upon Examination had before them of the * Public Charges of their ſeveral and reſpective Counties, and Allowances by them made of the ſame, to levy and raiſe Tobacco for Payment and Satisfaction of the ſeveral and reſpective County Charges, and the Sheriffs Salary for collecting thereof, by an equal Aſſeſſment of the Taxable Perſons of the ſaid ſeveral Counties; any former Law, Act, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding. County Courts impowered to levy County Charges, and the Sheriff's Salary, by equal Aſſeſſment on the Taxables.

* Doubts having ariſen concerning the Conſtruction of theſe Words [*Public Charges of their ſeveral and reſpective Counties*] they are declared by the Act of 1748, *ch.* 20, not to extend to any other Purpoſes than the ordinary, uſual, and neceſſary Charges, annually ariſing in their ſeveral Counties. The ſame Act limits their Power, ſo as not to levy above 10000 lb Tobacco for the full Repairing of any one Court-houſe; nor above 6000 lb Tobacco for the compleat Repairing of a County Priſon; nor above 8000 lb Tobacco for the Repairing any one County Bridge, nor exceeding 20000 lb Tobacco for Building a new one.

II. **And be it further Enacted** *by the Authority, Advice and Conſent aforeſaid*, That the Clerk of each reſpective County within this Province, ſhall keep County Clerks to

CHAP. XXXIV.

Account of ſuch Tobacco levied, and how diſpoſed of, in a fair Book, apart from other Matters; and a true Copy thereof under the Hand of the reſpective County Clerk, and under the Seal of the ſaid County, by the ſaid County Clerks, be yearly, and every Year, tranſmitted to the Governor and Council of this Province, before the Tenth Day of *March* next enſuing, after the Laying of the Levy, for their Inſpection.

keep Account of the Levy, and tranſmit a Copy thereof yearly, to the Governor and Council.

III. **And be it further Enacted** *by the Authority, Advice and Conſent aforeſaid*, That if any Clerk of any County Court aforeſaid, ſhall neglect to tranſmit a Copy of ſuch Account as aforeſaid, before the Tenth Day of *March* as aforeſaid, yearly and every Year, he ſhall forfeit and pay to our Sovereign Lady the Queen, her Heirs and Succeſſors, the Sum of One Thouſand Pounds of Tobacco; one Half to her Majeſty, her Heirs and Succeſſors, for the Support of Government, the other Half to the Informer, or him or them, that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record of this Province, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Omitting to tranſmit ſuch Copy, ſhall forfeit 1000 lb Tobacco.

IV. **And** for purchaſing Regiſter-Books, and for repairing of Churches, it is prayed that it may be Enacted, **And be it Enacted**, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That when, and as often as the Neceſſity of each reſpective Pariſh ſhall require Repairs or Supplies, the Veſtry-men and Church-wardens thereof, ſhall apply themſelves to the Juſtices of the County Courts, at the Time of the laying the County Levy; who, upon the Neceſſity appearing to them, ſhall, and are hereby impowered to raiſe, by an equal Aſſeſſment by the Poll, on the Inhabitants of ſuch reſpective Pariſh, ſuch Sums of Tobacco as by the ſaid Juſtices ſhall be * adjudged neceſſary to ſupply the Occaſions aforeſaid, over and above the County Levy, not exceeding the Sum of Ten Pounds of Tobacco per Poll, in One Year: Which Sum ſo raiſed, ſhall be collected and gathered by the Sheriff of the ſame County, and paid to the Veſtry-men of ſuch reſpective Pariſh or Pariſhes, at the Rate of Five per Cent for his Salary.

County Courts impowered to levy Pariſh Charges, on Application of the Veſtry and Church-wardens.

* By the Act of 1720, *ch.* 7, the Veſtry-men and Church-wardens are made ſole Judges of the Neceſſity; and the Juſtices are thereby required to levy any Quantity of Tobacco yearly, not exceeding Ten per Poll, on the Taxable Inhabitants of the Pariſh, on Application of the Veſtry-men and Church-wardens.

V. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That where there is no Miniſter reſident in the Pariſh, the Veſtry-men of each reſpective Pariſh in this Province, ſhall keep a fair Account of the Diſpoſition of the * Forty Pounds of Tobacco per Poll levied in their Pariſh, according to the Act, entitled, *An Act for Eſtabliſhment of Religious Worſhip, &c.* and alſo of the Ten Pound of Tobacco per Poll, to be levied and raiſed by virtue of this Act, and a true Copy thereof, under the Hands of ſuch principal Veſtry-man, or four of his Brethren of longeſt Standing, ſhall yearly, and every Year, be tranſmitted to the Governor and Council of this Province, before the Tenth Day of *March*, for their Inſpection.

The Veſtry to keep a fair Account of their Diſpoſition of the Parochial Taxes, and tranſmit a Copy thereof yearly to the Governor and Council.

* For the Diſpoſition of the 40 per Poll, where there is no Incumbent, ſee the Act of 1715, *ch.* 24.

VI. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if the principal Veſtry-man, and four of his Brethren, ſhall neglect to tranſmit a Copy of ſuch Account as aforeſaid, before the Tenth Day of *March* aforeſaid, yearly and every Year, they ſhall forfeit and pay to our Sovereign Lady the Queen, her Heirs and Succeſſors, the Sum of One Thouſand Pounds of Tobacco, one Half to her Majeſty, for Support of Government, the other Half to the Informer, or him or them that will ſue for the ſame;

Penalty for neglecting, 1000 lb of Tobacco.

same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record of this Province, wherein no Essoin, Protection, or Wager of Law to be allowed. CHAP. XXXIV.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXV.

An Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies. Lib. LL. N° 3. *fol.* 90. *REP.* 1708, *ch.* 5. Passed 3d of *October* 1704.

CHAP. XXXVI.

An Act to make valid, good and effectual in the Law, all Manner of Process and Proceedings in the several Courts of this Province, from the Year 1690, *to the Year* 1692; *and also from the Death of* Lyonel Copley, *Esq; late Governor of this Province, to the Arrival of* Francis Nicholson, *Esq; Governor thereof; and from the Demise of his late Majesty King* William *the Third, to this present Time. Lib.* LL. N° 3. *fol.* 93. Ditto.

CHAP. XXXVII.

An Act providing what shall be good Evidence to prove foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, and pleading Discounts in Bar. Lib. LL. N° 3. *fol.* 95. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. A new Law made 1715, *ch.* 29. Ditto.

CHAP. XXXVIII.

An ACT for the confirming Titles of Land given to the Use of the Churches and several Chapels within this Province, impowering the Commissioners of the respective Counties, and Vestries of the respective Parishes, to take up certain Parcels of Land for the Use of the same. *Lib.* LL. N° 3. *fol.* 99. Ditto.

See another Act for Confirmation of Church Lands, 1722, *ch.* 4.

WHEREAS several pious and well-disposed Persons, have given and granted unto the respective Parishes whereto they do belong, certain Parcels of Ground, for the Use and Benefit of a Church and Church-Yard; which said Land, through the Neglect of the Vestries, who, by an Act of Assembly of this Province, made at a Session of Assembly, held at the Port of *Annapolis*, the Twentieth Day of *July*, *Anno Domini* One Thousand Six Hundred Ninety and Six, entitled, *An Act for the Service of Almighty GOD, and Establishment of the Protestant Religion*, were capacitated and impowered, by the Names of the principal Vestry-man, and the Rest of his Brethren Vestry-men of such Parish, to take and receive any Deed of Gift for the same, notwithstanding the Charges of the respective Parishes in building Churches or Chapels thereon, is like to be lost, or the Title thereunto very disputable, for Want of such Deed of Gift or Conveyance enrolled and recorded, as by an Act of Assembly is required; the first Donors or Grantors thereof being dead, and the Heirs of such Donors or Grantors, either refusing to make over such Land as aforesaid, or under Age, not capable of so doing. Preamble.

II. **Be it therefore Enacted,** *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That all such Lands as have formerly been given to the Use of any Church or Chapel, and for which the Donors or Grantors thereof, in their Life Times have not made a Deed of Gift for the same, or otherwise refused so to do, and in Confidence of whose Promise the Parish have been at the Charge of Erecting and Building their Churches thereon, be and remain to the Use of the Parish for ever, against all Claims, and Pretensions of Claims made, or that hereafter shall be made, by such Donors or Grantors, or his or their Heirs, Executors or Assigns, as firmly The Titles of Lands formerly given for the Use of Churches, confirmed to the respective Parishes, notwithstanding the Want of Deeds and Enrolment.

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firmly and absolutely, as if the same had been made over by Deed of Gift, Grant, or otherwise, enrolled and recorded as aforesaid.

The Grand Juries to inquire by what Title such Lands are held, &c.

III. And to the End it may be known what Lands have been so given to the Use of any Church or Chapel aforesaid, and made over and confirmed by Deed of Gift or Grant as aforesaid, the Grand Jury in each respective County within this Province, next after the Publication of this Act, shall have in Charge to enquire by what Title such Lands, whereupon the several Churches or Chapels aforesaid, within their respective Parishes, and in their Precincts, are held, and to render an Account thereof to the Court; who are hereby impowered, where any such Lands shall appear to be given, and not confirmed as aforesaid, in open Court to examine Witnesses *in perpetuam Rei Memoriam*, and the same cause to be recorded in the County Records; which shall be deemed, adjudged and taken, in all Courts of Record within this Province, as sufficient Proof of the Donation or Grant, as also to the Quantity of Acres given or granted as aforesaid.

Where such Lands have been given, but the Quantity not mentioned, the Vestry may cause two Acres to be surveyed, &c.

IV. And in case it shall appear upon such Examination, that Lands have been given for the Use of any Church, Chapel, or Church-Yard as aforesaid, but the Quantity thereof not mentioned by the Donors or Grantors thereof as aforesaid, that then, and in every such Case, the Vestry of the respective Parish, where such Gift or Grant hath been made, and the Quantity not ascertained as aforesaid, may demand and take of such Lands, for the Use of the Church, and thereto adjacent, two Acres, and no more, which they shall cause to be surveyed and staked out; and make Returns of two Certificates thereof, one of which must be recorded in the County Court, and the other in the High Court of Chancery, there to be registered *in perpetuam Rei Memoriam* as aforesaid.

In what manner Vestries shall proceed in taking up Lands for building Churches and Chapels.

V. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That where the Vestry of any Parish within this Province, have, or shall think convenient to place either Church or Chapel of Ease within their respective Parishes, for the better Conveniency of their Parishioners, but the Owner or Owners of such Land, chosen out and appointed by such Vestry as aforesaid, for the Use of their Parish aforesaid, either refuse to make Sale thereof, or are unreasonable in his or their Demands for the same, or otherwise incapacitated by Non-age, *non sanæ Memoriæ*, or being beyond the Seas; that then, in every such Case, the respective Vestries of the respective Parishes, shall apply themselves to the Commissioners of the County Court whereto they belong; upon whose Application the said Commissioners shall forthwith grant their Warrants to the Sheriff of their County, thereby requiring him, at a certain Day and Time, to be by them nominated and appointed, to impannel a Jury of substantial Free-holders next adjacent to the Land in quest aforesaid, which said Commissioners, and Jury aforesaid, shall proceed in all Things, as by another Act of Assembly, entitled, * *An Act impowering the Commissioners of the several and respective Counties, to take up and purchase Lands for their County Court-houses*, they are directed; not exceeding two Acres as before in this Act mentioned and expressed; any thing in this Act, or any other, ordained to the contrary notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* The Act of 1697, *ch.* 5, here referred to, is not only executed, and the Purchases made by virtue thereof confirmed by *ch.* 76, of this Session, but also falls under the General Repeal in *ch.* 77; As, however, it is made a Rule of Proceeding under this Act, it is inserted at large, in its proper Place, in this Collection.

CHAP.

CHAP. XXXIX.

An ACT declaring that the Grantees of Land, lying within the *Indians* Land, may have Action of Treſpaſs againſt ſuch Perſons as cut Timber off their Land, on Pretence of having bought the ſame of the *Indians*. *Lib.* LL. N° 3. *fol.* 102.

Paſſed 3d of *October* 1704.

BE it hereby Enacted and Declared, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Falling, Mauling, and Carrying away of Timber, or Purchaſing or Receiving any Timber, by any Perſon or Perſons, upon Pretence of having Bought the ſame of the *Indians*, or upon any unlawful Pretence whatſoever, on or from off any Lands, within the Bounds of the *Indians* Land, whereof any other Perſon or Perſons have in him, her or them, the Fee, be judged, deemed and accounted, a Treſpaſs: And whoſoever ſhall purchaſe and receive, fall, maul, or carry away, Timber as aforeſaid, ſhall be deemed and adjudged Treſpaſſers, and ſhall be liable to Action or Actions of Treſpaſs: And the Perſons grieved ſhall and may recover their Damages accordingly, as if the Grantee or Patentee aforeſaid, did actually occupy and enjoy ſuch Land, and had improved it; any Law, Act of Aſſembly, or Uſage to the contrary notwithſtanding.

The Falling, *&c.* of Timber, on any Lands, within the *Indians* Bounds, whereof any other Perſon hath the Fee, declared to be a Treſpaſs.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XL.

An Act regulating of Ordinaries. Lib. LL. N° 3. *fol* 103. *EXP.*

Paſſed 3d of *October* 1704, for 3 Years.

CHAP. XLI.

An Act aſcertaining the Height of Fences, to prevent the Evil occaſioned by the Multitude of Horſes, and reſtraining Horſe-Rangers within this Province. Lib. LL. N° 3. *fol.* 108. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

Paſſed 3d of *October* 1704.

This Act was to continue 3 Years, *&c.* was revived for 3 Years, *&c.* longer by the Acts of 1708, *ch.* 18; and 1712, *ch.* 26. A new Law was made 1715, *ch.* 31.

CHAP. XLII.

An ACT for Settlement of an annual Revenue upon her Majeſty's Governor within this Province, for the Time being. *Lib.* LL. N° 3. *fol.* 111.

Ditto.

WHEREAS by an Act of Aſſembly formerly made, entitled, * *An Act for providing a Support for the Lord Proprietary of this Province, and likewiſe a Supply for defraying the public Charge of the Government,* it was by the ſaid Act publiſhed and declared, That from and after the Firſt Day of *September* then next enſuing, there ſhould be raiſed, levied, collected and paid, to the ſaid Lord Proprietary, the Sum of Two Shillings Sterling for every Hogſhead, or Quantity of a Hogſhead of Tobacco, which ſhould be at any Time thereafter ſhipped in any Ship or Veſſel; to be exported out of this Province, on Condition that his ſaid Lordſhip ſhould receive his Rents, and Fines for Alienation of Lands, in good, ſound, merchantable Tobacco, when tendered, at the Rate of Two Pence per Pound, for one Moiety of the ſaid Impoſition; the other Moiety, by the ſaid Act raiſed, to be applied towards maintaining a conſtant Magazine, and defraying other public and neceſſary Charges of the Government. And whereas former Aſſemblies, upon ſtrict Inquiry made into the Premiſes, did find his ſaid Lordſhip had not only been very deficient, and at ſmall Charges and Expences in maintaining a Magazine as aforeſaid, but that this Province hath been obliged to defray all public Charges ariſing for the Support of Government, by Way of an equal Aſſeſſment upon the Inhabitants thereof, the ſeveral Proviſoes in the afore recited Act to the contrary notwithſtanding. And whereas alſo his ſaid Lordſhip the aforeſaid Moiety of Two Shillings per Hogſhead, under Pretext of

Preamble.

Recital of the Act of 1671, *ch.* 11.

CHAP. XLII.

of maintaining a Magazine as aforesaid (until the Time of their late Majesties King *William* and Queen *Mary* taking this Province under their immediate Protection) did convert to his own Use, to the Impoverishing of the Country, and Defraud of the Public, and being incapacitated of complying with what by the said Act for the said Moiety of Two Shillings per Hogshead is required.

* This Act of 1671, *ch.* 11, was continued 1674, *ch.* 1, for and during the natural Life of the Right Honourable *Charles Calvert*, Esq; Son and Heir apparent of the Right Honourable *Cæcilius*, then Lord Baron of *Baltimore*, and again continued 1676, *ch.* 3, in the First Year of the Dominion of the Right Honourable *Charles* Lord *Baltimore*, for and during the Life of the Honourable *Cæcilius Calvert*, Esq; Son and Heir of the said Right Honourable *Charles*, &c. in case he survived his Lordship.

One Shilling Sterling per Hogshead, for all Tobaccoes shipped for Exportation, to be paid to the Queen, her Heirs and Successors for the Support of Government.

II. **Be it therefore Enacted**, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That the said One Shilling per Hogshead, for the defraying the Charges of Government aforesaid, as well for such Ships or Vessels as have already Cleared before the making of this Act, as for such remaining in this Province, be raised, levied, collected and paid, unto our Sovereign Lady the Queen's most excellent Majesty, her Heirs and Successors, for the Support of her Government, for the Time being, in and over this her Majesty's Province aforesaid, and the Territories to the same belonging, for every Hogshead, and Quantity of an Hogshead of Tobacco, which hath been, for and during the Time aforesaid, or which hereafter shall be, at any Time shipped in any Ship or Vessel, to be exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks, or Places thereunto belonging, as aforesaid.

To be paid by the Master of every Ship, &c. before Clearance and Departure.

Such Masters, at their first Arrival, and before taking any Goods on board, to give Security for Payment thereof.

III. **And be it further Enacted** *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the said Duty and Imposition shall be, from Time to Time, paid and satisfied by the Master or Masters of every such Ship or Vessel respectively, in which any such Tobacco shall be exported, upon his or their Clearing, and taking out his or their Dispatch or Dispatches, for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel, coming into this Province, shall at their first Arrival here, and before their loading on board any Goods or Commodities of the Growth, Production, or Manufacture of this Province, give good and sufficient Security to his Excellency, or to the Officer thereunto especially appointed, for the Payment of the said Duty or Imposition accordingly.

His Lordship's Right by a former Law, or Obligation to account for Arrears, &c. to be no way affected by this Act.

IV. **Provided always**, and it is the true Intent and Meaning hereof, That this Act, nor any Thing herein contained, shall be adjudged, construed, reputed or taken (any thing herein expressed to the contrary notwithstanding) to disannul, or make void, his Lordship's Right to the other Moiety of the said Two Shillings per Hogshead, to be paid in Consideration of his Rents and Alienation Money in Tobacco at Two Pence per Pound, during the Term of his natural Life (but that the same be kept, and hereby preserved to his Lordship, in as full and ample Manner as by the said Law is expressed, or intended) or in the least to discharge his Lordship of receiving the Rents aforesaid, at Two Pence per Pound, as by the said Act is enjoined, during also the Term of his natural Life. Nor to discharge his Lordship from accounting for the Arrears of the One Shilling per Hogshead, for supporting the Government, and providing Arms and Ammunition; but that he be obliged to all the aforesaid Matters and Things, as fully and strongly, as if the said Law were in full Force.

Masters of Ships, &c. at the Time of clearing out, shall make Oath,

V. **And be it further Enacted** *by the Authority aforesaid*, That every Master of a Ship or Vessel as aforesaid, at the Time of his Clearing, shall upon Oath, declare the Quality and Quantity of his Loading: And that the Naval Officer, by the Governor aforesaid appointed, for the Time being, shall, and is hereby

hereby impowered to administer the said Oath. And in case the said Master shall refuse the said Oath, or upon Suspicion of having Goods on board for which he hath not Cleared, it shall be lawful for the said Naval Officer to enter on board any such Ship or Vessel, and the same to search for any such Goods as aforesaid; any thing in this Act before mentioned notwithstanding. CHAP. XLII. of the Quality and Quantity of their Loading.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

N. B. The above Act (which has been carefully compared with the Original) is the same, *mutatis mutandis*, with that of 4 *W.* and *M.* 1692, *ch.* 4, excepting that in §. 2, the Words [*For the Support of* her Government, *for the Time being*] are in the former Act [*For the Support of* their Governor *for the Time being.*] And in §. 3, of this Act, there appears a manifest Chasm or Omission, owing to the Negligence of the Ingrosser or Transcriber of the Bill, and Inattention of the Assembly; the Passage in the Act of 1692 standing thus, [*The said Duty*, &c. *shall be*, &c. *paid*, &c. *by the Masters or Master of every such Ship*, &c. *upon his or their Clearing, and taking out his or their Dispatch or Dispatches, for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel* from this Province. And that every Master of such Ship or Vessel, *coming into this Province, shall, at their first Arrival here, and before their Loading on board any Goods*, &c. *give good and sufficient Security to his Excellency*, &c.]

CHAP. XLIII.

An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other English *or* Indian *Grain, or Meal; Horses, Mares, Colts, or Fillies, or Tobacco, from* Pensylvania, *and the Territories there belonging. Lib.* LL. N° 3. *fol.* 114. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Passed 3d of *October* 1704.

This Act being made for 3 Years, was continued for 3 Years longer by the Acts of 1707, *ch.* 19; and 1710, *ch.* 11; and by 1713, *ch.* 22, was continued without Limitation. A new Act was made 1715, *ch.* 18.

CHAP. XLIV.

An Act for Limitation of certain Actions, for avoiding Suits at Law. Lib. LL. N° 3. *fol.* 116. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 23.

CHAP. XLV.

An Act for the more speedy conveying of Public Letters and Packets of this Province, and defraying the Charge thereof. Lib. LL. N° 3. *fol.* 118. *REP.* 1710, *ch.* 2. Ditto.

CHAP. XLVI.

An Act for the Recording of all the Acts of Assembly of this Province in the Secretary's Office, as also transmitting of the Journal of the House of Delegates into the said Office. Lib. LL. N° 3. *fol.* 120. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 25.

CHAP. XLVII.

An Act for the Punishment of Blasphemy, profane Swearing and Cursing. Lib. LL. N° 3. *fol.* 122. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 34.

CHAP. XLVIII.

An ACT against Ingrossers and Regraters. *Lib.* LL. N° 3. *fol.* 124. Ditto.

A new Law was made 1729, *ch.* 17, whereby this Act of 1704 was Repealed: But the said Act of 1729, being repealed by the Act of 1735, *ch.* 12, (and consequently the repealing Clause therein,) the present Act emerges in its full Force and Virtue.

FORASMUCH as the Offences of Forestalling, Ingrossing and Regrating, are found mischievous and prejudicial to the Inhabitants of this Province; **Be it Enacted** *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That whatsoever Person or Persons, that from and after the Publication hereof, shall ingross, or get into his, her or their Hands, or Possession, by buying, contracting, or Promise-taking, within this Province, any Goods, or Merchandizes whatsoever, or Servants, to the Intent to sell the same again within the Space of Six Months, and the same, or any Part thereof, shall, within that Time, sell again for Ready Tobacco, or for Tobacco to be paid the Shipping happening at the Time of Preamble. Who shall be deemed unlawful Ingrossers and Regraters.

CHAP. XLVIII.

such first Sale, or for Tobacco to be shipped for Payment, or securing the Payment of any Bill or Bills of Exchange, or for Ready Money, or Bills of Exchange to be drawn for Payment of the said Goods, Merchandizes, or Servants, with Intent to avoid the Penalty by this Act hereafter provided and imposed, or the said Goods, Merchandizes, or Servants, shall transport out of this Province, shall be accepted, reputed, and taken, for an unlawful Ingrosser and Regrator, and shall suffer such Pains, Penalties and Forfeitures as are hereafter expressed; any Law, Statute, Usage, or Custom, to the contrary thereof, in any wise notwithstanding.

Offenders shall suffer,

II. And be it Enacted *by the Authority aforesaid*, That if any Person or Persons, from and after the Publication hereof, offend in any of the Things before recited, and being thereof duly convicted by Confession of the Party, or the Oaths of Two Witnesses, before the Justices of the Provincial Court, or the Justices of the County Courts, for the Time being, where the Offences were committed, shall, for his, her or their first Offence, have, or suffer Imprisonment for the Space of Two Months without Bail or Mainprize, and shall also lose and forfeit the Value of the Goods, Merchandizes, or Servants, so by him or them bought or had. And if any Person or Persons, lawfully convicted as aforesaid, of or for the second Offence, every such Person or Persons so offending, shall have and suffer, for his or their second Offence, Imprisonment for the Space of one Half Year without Bail or Mainprize, and shall lose the double Value of all the Goods, Merchandizes, or Servants, so by him or them bought or had as aforesaid.

For the first Offence Two Months Imprisonment, and Loss of the Value of the Goods, &c.

For the second Offence Six Months Imprisonment, and double Value of the Goods.

For the third Offence to stand in the Pillory, forfeit all their proper Goods and Chattels, and suffer Twelve Months Imprisonment.

III. And be it further Enacted, *by the Authority aforesaid*, That if any Person or Persons, being lawfully convicted as aforesaid, of or for the second Offence, and shall again offend the third Time, and be thereof lawfully convicted; that then every Person, for the third Offence, shall be set in the Pillory, in the City, Town, or in the full County, where he shall then inhabit and dwell, and lose and forfeit all the Goods and Chattels, he or they have to their own Use, and also be committed to Prison, there to remain during the Term of one whole Year. The one Moiety of all which Forfeitures to be to our Sovereign Lady the Queen, her Heirs and Successors, for the Support of the Government of this Province; and the other Moiety thereof to the Informer, or him or them that shall sue for the same, by Bill, Action of Debt, Plaint, or Information, in any Court of Record within this Province, wherein no Essoin, Protection, or Wager of Law to be allowed.

This Act not to extend to debar the Payment of Wages in such Goods.

IV. Provided, That this Act, or any thing therein contained, shall not debar, or be construed to debar or hinder, any Person or Persons whatsoever, within this Province, by or out of any Goods, or Merchandizes, by him or them so bought or purchased as aforesaid, to satisfy and pay unto any Workman, or Servant, the Hire, or Wages of him or them, due for any Work or Service whatsoever.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLIX.

Passed 3d of October 1704. *An Act for the Stay of Execution after the Tenth of* May *Yearly.* *Lib.* LL. N° 3. *fol.* 127. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 33.

CHAP. L.

Ditto. *An Act for killing of Wolves and Crows.* *Lib.* LL. N° 3. *fol.* 128. *EXP.*

To continue for 2 Years. A new Law made 1707, *ch.* 18.

CHAP. LI.

Ditto. *An Act for securing Merchants and Others Tobacco, after they have received it.* *Lib.* LL. N° 3. *fol.* 130. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 22.

CHAP.

CHAP. LII.

An Act for the taking Special Bail in the several Counties of this Province, upon Actions and Suits depending in her Majesty's Provincial Court. Passed 3d of October 1704. *Lib.* LL. N° 3. *fol.* 132. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 28.

CHAP. LIII.

An Act ascertaining the Gauge of Tobacco Hogsheads. Ditto. *Lib.* LL. N° 3. *fol.* 134.

DISSENT.

Her Majesty's Dissent is dated at *St. James's* 1st *April* 1708. See Council Proceedings the 16th *August* 1708. A new Law made 1715, *ch.* 38.

CHAP. LIV.

An Act for the securing Persons Rights to Town Lands. Ditto. *Lib.* LL. N° 3. *fol.* 136. *OBS.*

A new Law made 1710, *ch.* 3; and another 1715, *ch.* 32.

CHAP. LV.

An Act for rectifying the ill Practices of Attorneys of this Province, and ascertaining the Attorney-General's, and Clerk of Indictment's, Fees. Ditto. *Lib.* LL. N° 3. *fol.* 137. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 48.

CHAP. LVI.

An ACT for securing the Parochial Libraries of this Province. Ditto. *Lib.* LL. N° 3. *fol.* 140.

Parochial Libraries to remain in Possession of the Incumbents; who shall be accountable for the same.

BE it Enacted *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That the Libraries appointed for the several and respective Parishes within this Province, shall be and remain in the Hands and Possession of the Minister of the Parish, if there be any Minister actually Inducted into, and Incumbent in, the said Parish, during his Residence in the said Parish, who is by this Act obliged to keep and preserve the said Library from Waste and Embezzlement, and to be accountable for the same, to the Governor, Council and Vestry, as often as required.

Incumbent to pass two Receipts for the Books.

II. And to that Purpose, the said Minister shall pass two Receipts for the said Books, inserting what they are, and the Title Page of the same, one Receipt to be, by the Vestry of the said Parish, transmitted to the Governor and Council, and the other to remain with the Vestry of the said Parish, to be entered in their Register Book.

Vestries to visit and inspect the Libraries twice a Year, on Penalty of 1400 lb of Tobacco.

III. And the said Vestries are hereby obliged to visit the said Libraries twice in the Year, and inspect the same: And in case the said Vestries shall not (or at least Four of them of the eldest Standing shall not) visit the said Libraries twice in the Year, as by this Act is required, the whole Number of Vestrymen shall forfeit and pay the Sum of Fourteen Hundred Pounds of Tobacco: One Moiety to her Majesty, her Heirs and Successors, for the Support of Government; the other Moiety to the Informer, or him or them that shall sue for the same, in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed; and the *Onus probandi* shall lie on the Part of the Vestry, to make it appear that they have visited the Libraries, as by this Act they are obliged.

Vestry impowered to sue the Minister, his Executors, &c. in case of Damage or Embezzlement.

IV. And if it so happen, that the Vestry find any Damage, or Embezzlement thereof, they shall require and cause Satisfaction for the same to be made, by Action of Debt, to be brought against the said Minister, his Executors or Administrators, for the full Value of such Books, as are, or shall be wanting; to be commenced and brought by the Vestry-men of such respective Parish, where such Damage and Embezzlement shall happen, who, by this Act, are impowered to bring their special Action without their Principal Vestry-man.

CHAP. LVI.

The Incumbent, on Removal, ſhall deliver up the Library to the Veſtry.

V. And in caſe any Miniſter, having the Charge of ſuch Library, ſhall be removed from his Charge, he ſhall deliver the ſaid Library to the Veſtry of the ſaid Pariſh, and make Satisfaction or Reparation, if any Damage or Waſte ſuffered, before his Departure out of the ſaid Pariſh, (except by Fire, or ſuch unavoidable Accident:) Or in caſe of the Death of any ſuch Miniſter having the Charge of ſuch Library, the Veſtry of ſuch Pariſh ſhall immediately take the ſaid Library into their Cuſtody and Keeping, and paſs their Receipt for the ſame, as above directed: And ſhall in all Points be anſwerable for the ſame, except by Fire, or ſuch like Accident, as aforeſaid.

The Governor, for better preſerving the Libraries, may appoint Viſitors, &c.

VI. And for the better Preſerving and Securing the ſaid Libraries, it ſhall and may be lawful for his Excellency the Governor of this Province, for the Time being, to appoint one or more Viſitors of the ſaid Libraries within this Province, to report the true State of them to his Excellency the Governor and Council, that they may make Orders to cauſe every one concerned about the ſaid Libraries, to do their Duties, to the effectual preſerving of them.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LVII.

Paſſed 3d of *October* 1704.

An Act reſtraining the Extortions of Sheriffs, Sub-Sheriffs, and Deputy-Commiſſaries. Lib. LL. N° 3. *fol.* 142. *REP.* 1715, *ch.* 46.

CHAP. LVIII.

Ditto.

An ACT for aſcertaining the Bounds of a certain Tract of Land, to the Uſe of the *Nanticoke Indians*, ſo long as they ſhall occupy and live upon the ſame. *Lib.* LL. N° 3. *fol.* 144.

Preamble.

IT being moſt juſt that the *Indians*, the ancient Inhabitants of this Province, ſhould have a convenient Dwelling-Place, in this their native Country, free from the Incroachments and Oppreſſions of the *Engliſh*; more eſpecially the *Nanticoke Indians* in *Dorcheſter* County, who, for theſe many Years have lived in Peace and Concord with the *Engliſh*, and in all Matters in Obedience to the Government of this Province: We the Burgeſſes and Delegates of this preſent General Aſſembly, therefore do pray that it may be Enacted,

The Bounds of a Tract of Land in *Dorcheſter* County (to the Uſe of the *Nanticoke Indians*) ſettled: And the Lands confirmed to them, for ever,

II. And be it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That all the Land, lying and being in *Dorcheſter* County, and on the North Side of *Nanticoke* River, butted and bounded as followeth; (beginning at the Mouth of *Chickawan* Creek, and running up the ſaid Creek, bounded therewith to the Head of the main Branch of the ſame, and from the Head of the ſaid main Branch, with a Line drawn to the Head of a Branch iſſuing out of the North Weſt Fork of *Nanticoke*, known by the Name of *Francis Anderton*'s Branch, and from the Head of the ſaid Branch, down the ſaid *Anderton*'s Branch, bounded therewith, to the Mouth of the ſame, where it falls into the ſaid North Weſt Fork: And from thence down the aforeſaid North Weſt Fork, bounded therewith, to the main River: And ſo down the main River to the Mouth of the aforeſaid *Chickawan* Creek;) ſhall be confirmed and aſſured, and, by virtue of this Act, is confirmed and aſſured unto *Panquaſh* and *Annotoughquan*, and the People under their Government, or Charge, and their Heirs and Succeſſors for ever; any Law, Uſage, Cuſtom, or Grant, to the contrary in any wiſe notwithſtanding: To be held of the Lord Proprietary, and his Heirs, Lord Proprietary or Lords Proprietaries of this Province, under the yearly Rent of one Beaver Skin, to be paid to his ſaid Lordſhip and his Heirs, as other Rents in this Province by the *Engliſh* uſed to be paid.

under the yearly Rent of one Beaver Skin.

III. Pro-

III. **Provided always,** That it shall or may be lawful for any Person or Persons, that hath formerly taken up, and obtained any Grants from the Lord *Baltimore*, for any Tracts or Parcels of Land within the aforesaid Boundaries, upon the *Indians* deserting, or leaving the said Land, to enter, occupy, and enjoy the same; any thing in this Law to the contrary notwithstanding. CHAP. LVIII. But if the *Indians* desert the Land, then the former Grantees may enter.

IV. **And be it further Enacted,** *by the Authority aforesaid,* That it may not, nor shall be lawful for the Lord *Baltimore*, to ask, have, or demand, any Rent or Service for any of the said Tracts or Dividends, as may, or have been taken up as aforesaid within the said *Indians* Boundaries, until such Time that the Takers-up, or Owners aforesaid, do enjoy, or possess the same; any Law, Usage, or Custom, to the contrary notwithstanding. No Quit-Rents payable by such Grantees, before they are in actual Possession.

Examined and Compared with the Original Act, REVERDY GHISELIN. THOMAS BACON.

CHAP. LIX.

An Act to prevent the Growth of Popery within this Province. Lib. LL. N° 3. *fol.* 145. *REP.* 1718, *ch.* 4. Passed 3d of *October* 1704.

CHAP. LX.

An Act for the punishing the Offences of Adultery and Fornication. Lib. LL. N° 3. *fol.* 147. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 27.

CHAP. LXI.

An Act for the Appointment of Constables, and what relates to their Office. Lib. LL. N° 3. *fol.* 149. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A Supplementary Act was made in 1712, *ch.* 15. A new Law, including both, made 1715, *ch.* 15.

CHAP. LXII.

An ACT requiring the Masters of Ships and Vessels to publish the Rates of their Freight, before they take any Tobacco on board. *Lib.* LL. N° 3. *fol.* 151. Ditto.

Be it Enacted. *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That every Master and Commander of a Ship, or other Vessel, that purposes to export Tobacco on Freight, shall, before he take any such Tobacco on board his said Ship or Vessel, publish in Writing, by a Note under his Hand, which he shall cause to be affixed on the Court-house Door of that County where his said Ship shall ride at Anchor, at what Rate he will receive Tobacco upon Freight per Ton, on board his said Ship for that intended Voyage; which Note the Clerk of the County shall enter upon Record. Masters of Tobacco Ships on Freight, shall publish the Rates of their Freight per Ton for that Voyage.

II. **And be it further Enacted,** *by the Authority aforesaid,* That whatsoever Merchant, or other Inhabitants of this Province, shall put any Tobacco on board any Ship, Sloop, or Boat belonging to a Ship, on Freight, before such Master of such Ship hath set up such Note as aforesaid, he shall forfeit and lose all such Tobacco, so shipped on board such Ship, Sloop, or Boat, or the full Value thereof in Money; whereof one Half to her Majesty for the Support of the Government of this Province, the other Half to him or them that will sue for the same, to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed. Persons shipping Tobaccoes on Freight before Publication, forfeit the same.

III. **And be it further Enacted,** *by the Authority aforesaid,* That if any Master and Commander of Ship, or other Vessel, as aforesaid, shall take any such Tobacco on board his Ship, or Vessel, before he hath published such Note as aforesaid, he shall forfeit, for every such Hogshead, the Sum of Twenty Shillings, to the Uses aforesaid, to be recovered as aforesaid. Penalty on Masters taking Tobacco on board, before Publication.

IV. Pro-

CHAP. LXII. Certificate of the Rate of Freight, &c. to be ſent with Craft fetching Tobacco from another County, on Penalty of 40 *s.* Sterling.

IV. And be it further Enacted, *by the Authority aforeſaid*, That every Maſter and Commander of Ship, or Veſſel, as aforeſaid, that ſhall ſend any Sloop, or other Craft, to another County to fetch Tobacco, to be put on board his Ship or Veſſel on Freight, ſhall ſend by the Skipper or Maſter of ſuch Sloop, or other Craft, a Certificate, under the Hand of the Clerk of that County where ſuch Note of Freight was publiſhed as aforeſaid, certifying the Rate of his Freight, and Publication thereof as aforeſaid, under the Penalty of forfeiting Forty Shillings Sterling, to the Uſes aforeſaid, to be recovered as aforeſaid.

Copies of this Act to be affixed in the Offices of the Collectors and Naval Officers.

V. And the Collectors and Naval Officers ſhall, at the Charge of the County where ſuch Collectors and Naval Officers inhabit, procure Copies of this Law; for each Copy whereof the ſaid County Clerk ſhall have Ten Pounds of Tobacco, and no more, and affix the ſame in their Offices, on or before the Tenth Day of *December* next enſuing, under the Penalty of Forty Shillings Sterling, to be for ſuch Neglect forfeited and paid to the Uſes aforeſaid, to be recovered as aforeſaid.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXIII.

Paſſed 3d of October 1704. *An Act for appointing Court Days in each reſpective County in this Province.* *Lib.* LL. N° 3. *fol.* 153. *REP.* 1708, *ch.* 12.

A new Law made 1708, *ch.* 12.

CHAP. LXIV.

Ditto. *An Act for laying an Impoſition of Three Pence per Hogshead on Tobacco, for defraying the public Charge of the Province.* *Lib.* LL. N° 3. *fol.* 153. *REP.* 1714, *ch.* 1.

To continue 3 Years. Farther continued by 1708, *ch.* 17; and 1712, *ch.* 14. A new Law 1714, *ch.* 1.

CHAP. LXV.

Ditto. *An Act prohibiting the Inhabitants of this Province, or any others, from carrying Liquors to* Indian *Towns.* *Lib.* LL. N° 3. *fol.* 155. *OBS.*

A new Law made 1715, *ch.* 16.

CHAP. LXVI.

Ditto. *An Act prohibiting Commiſſioners, Sheriffs, Clerks, and Deputy-Clerks, to plead as Attorneys in their reſpective County Courts.* *Lib.* LL. N° 3. *fol.* 155. *OBS.*

A new Law made 1715, *ch.* 41.

CHAP. LXVII.

Ditto. *An Act to encourage the Inhabitants of this Province to adventure their Ships and Veſſels more freely abroad, to import Rum, Sugar, Negroes, and other Commodities.* *Lib.* LL. N° 3. *fol.* 156. *OBS.*

The Purport of this Act is anſwered by the Act of 1715, *ch.* 36.

CHAP. LXVIII.

Ditto. *An Act impowering a Committee to lay, aſſeſs and apportion the public Levy of this preſent Year, One Thouſand Seven Hundred and Four.* *Lib.* LL. N° 3. *fol.* 157. *EXP.*

CHAP. LXIX.

Ditto. An ACT againſt exceſſive Uſury. *Lib.* LL. N° 3. *fol.* 159.

Intereſt of Money limited to 6 per Cent.

BE it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That no Perſon or Perſons whatſoever, within this Province, whether Inhabitant or Foreigner, upon any Contract, from and after the End of this preſent Seſſion of Aſſembly, ſhall exact or take, directly or indirectly, for Loan of any Monies, Wares or Merchandizes, or other Commodities whatſoever, to be paid in Money, above the Value of Six Pounds for the Forbearance of One Hundred Pounds for one Year, and ſo after that Rate for a greater or leſſer Sum, or for a larger or ſhorter Time; nor ſhall any Perſon or Perſons whatſoever, within this Province as aforeſaid, from and after the Time aforeſaid, exact and take, directly or

or indirectly, for Loan of any Tobacco, Wares, Merchandizes, or other Commodities, for one Year, to be paid in Tobacco or other Commodities of this Province, above the Value of Eight Pounds of Tobacco for the Forbearance of One Hundred Pounds of Tobacco, and after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time. CHAP. LXIX. Intereſt of Tobacco, &c. to Eight per Cent.

II. And, That all Bonds, Contracts and Aſſurances whatſoever, made after the Time aforeſaid for Payment of any principal Money or Tobacco, Goods or Commodities aforeſaid, to be lent, or covenanted to be performed, upon or for any Uſury, whereupon or whereby there ſhall be reſerved above the Rate of Six Pounds in the Hundred for Money as aforeſaid, or above Eight Pounds in the Hundred for Tobacco, or other Goods and Commodities as aforeſaid, ſhall be utterly void. All Bonds, &c. bearing greater Intereſt, ſhall be void.

III. And, That all and every Perſon and Perſons whatſoever, which after the Time aforeſaid, ſhall, upon any Contract to be made, take, accept and receive, by Ways or Means of any corrupt Bargain, Loan, Exchange, Chievezance, Shift, or Intereſt of any Wares, Merchandizes, or other Thing or Things whatſoever, or by any deceitful Ways or Means, or by any Covin, Inſtrument, or deceitful Conveyance, for the Forbearance, or giving Day of Payment, for one whole Year, of and for their Money, Tobacco, Goods and Commodities aforeſaid, above the Sum of Money, or Quantity of Tobacco aforeſaid, for the Forbearance aforeſaid, ſhall forfeit and loſe for every ſuch Offence, the treble Value of the Money, Tobacco, Wares, Merchandizes, or other Thing, ſo lent, bargained, ſold, exchanged, and ſhifted as aforeſaid; the one Half of the ſaid Fine and Forfeiture to our Sovereign Lady the Queen, her Heirs and Succeſſors, for the Support of this Government, the other Half to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed. Perſons taking, or exacting more, forfeit treble Value.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXX.

An Act aſcertaining the Expences of the Councillors, Delegates of Aſſembly, and Commiſſioners of the Provincial and County Courts of this Province. *Lib.* LL. N° 3. *fol.* 160. *OBS.* Paſſed 3d of *October* 1704.

A new Law made 1715, *ch.* 42.

CHAP. LXXI.

An Act relating to the Standard of Engliſh *Weights and Meaſures.* *Lib.* LL. N° 3. *fol.* 162. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 10.

CHAP. LXXII.

An Act for Publication of Marriages. *Lib.* LL. N° 3. *fol.* 163. *OBS.* Ditto.

A new Law made 1717, *ch.* 15.

CHAP. LXXIII.

An Act aſcertaining what Damages ſhall be allowed upon Proteſted Bills of Exchange. *Lib.* LL. N° 3. *fol.* 164. *REP.* 1708, *ch.* 10. Ditto.

A new Law made 1708, *ch.* 10.

CHAP. LXXIV.

An ACT declaring how Fees for Naturalization, and other private Laws, ſhall be proportioned. *Lib.* LL. N° 3. *fol.* 166. Ditto,

WHEREAS divers Complaints have been made, that ſeveral Perſons have exacted and taken immoderate Fees of Perſons for private Bills: For Prevention whereof for the future, Preamble.

II. Be it Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Fees to be taken by the ſeveral Clerks Fees for private Laws to be allowed by the Aſſembly.

CHAP. LXXIV.

Clerks and Officers belonging to the Aſſembly, for Naturalization and other private Laws, be ſuch as ſhall be allowed and adjudged by the reſpective Aſſemblies when and where ſuch Perſons ſhall be Naturalized, and ſuch Bill Paſſed.

Perſons preſuming to exact more, forfeit 2000 lb of Tobacco.

III. And, That no Perſon whatſoever, preſume to demand or exact any more Fees of any ſuch Perſons naturalized, or for whom ſuch private Act ſhall paſs, than what are ſo allowed, and to be allowed; under the Penalty of Two Thouſand Pounds of Tobacco to every ſuch Perſon exacting or extorting more than what is or ſhall be allowed by ſuch Aſſembly aſſeſſing the Fees as aforeſaid. The ſaid Forfeiture to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed. The one Half to her Majeſty, for the Support of the Government of this Province, the other Half to the Party grieved.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXXVI.

Paſſed 3d of *October* 1704.

An Act for Amercements in the Provincial and County Courts. *Lib.* LL. N° 3. *fol.* 167. OBS: A new Law made 1715, *ch.* 41.

CHAP. LXXVII.

Ditto.

An ACT confirming Purchaſes made by the Commiſſioners of the reſpective Counties by virtue of a former Act of Aſſembly, entitled, * *An Act impowering the Commiſſioners of each reſpective Counties, to purchaſe Land for Uſe of their reſpective Courts,* &c. *Lib.* LL. N° 3. *fol.* 168.

* 1697, *ch.* 5.

Preamble reciting the Act of 1697, *ch.* 5.

WHEREAS, at a General Aſſembly, held at the Port of *Annapolis*, the Twenty-ſixth Day of *May* One Thouſand Six Hundred Ninety-ſeven, a certain Act of Aſſembly was made, entitled, *An Act impowering the Commiſſioners of each reſpective County to purchaſe Lands for the Uſe of their reſpective Courts,* which is now executed.

Purchaſes of Lands under that Act confirmed.

II. Be it Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That what Purchaſes of Lands the Commiſſioners had made according to the ſaid Act, for the Uſe of the reſpective Counties, and recorded within the ſeveral and reſpective County Courts whereunto they properly belong, ſhall be a perpetual Bar againſt him, her, or them, from whom the Land was purchaſed, and againſt all Perſons claiming by, from, or under him, her, them, or any of them, for ever.

The Lot, &c. whereon *Dorcheſter* Court-houſe ſtands, confirmed to that County.

III. And be it further Enacted *by the Authority aforeſaid,* That the Lot whereon the Court-houſe of *Dorcheſter* now ſtands, and the Tenement thereon, remain to the Uſe of that County for ever, as by the laſt Paragraph of the ſaid Act is more at large expreſſed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXXVII.

Paſſed 3d of *October* 1704.

An ACT repealing all former Acts of Aſſembly heretofore made, ſaving what are hereby excepted. *Lib.* LL. N° 3. *fol.* 169.

A general Repeal of all Acts made before *April* Seſſion in this Year.

BE it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That all and every Act and Acts of

of Assembly of this Province, made or enacted at any Time before the Session of Assembly begun and held at the Port of *Annapolis*, the Twenty-sixth Day of *April* One Thousand Seven Hundred and Four, except the Act, entitled, *An Act for Establishment of Religious Worship in this Province, according to the Church of* England, *and for the Maintainance of Ministers*; and except the Act for keeping good Rules and Orders in the Port of *Annapolis*; and which are not revived, saved, and enacted this present Session of Assembly, be, and are hereby repealed and made void. CHAP. LXXVII. The Act of 1702, *ch.* 1, and of 1696, *ch.* 24, excepted.

II. **Saving always**, to all and every Person or Persons, whatsoever was and is his and their Rights and Benefits, which he or they had by the former Acts of Assembly; any thing in this present Act contained to the contrary notwithstanding. A Saving of all Rights under former Acts.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXXVIII.

An ACT confirming to the Governor of this Province the Duty of Three Pence per Ton, upon the Burthen of Ships and Vessels. *Lib.* LL. N° 3. *fol.* 170. Passed 3d of *October* 1704.

WHEREAS the Governors of this Province have heretofore had and enjoyed a Duty of Three Pence per Ton of the Burthen of all Ships and Vessels trading into this Province; Preamble.

II. **Be it therefore Enacted**, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That the several and respective Masters of all Ships or Vessels trading or coming into this Province, of what Burthen soever, shall, at the Time of Entering such Ships and Vessels as aforesaid, pay unto the Governor of this Province for the Time being, Three Pence per Ton for every Ton of Burthen the said Ship or Vessel shall be of, or give good Caution to the Naval Officer with whom he or they shall Enter, for Payment thereof. Three Pence per Ton to be paid, on Vessels, to the Governor, at the Time of their Entry, &c.

III. All such Ships or Vessels as are *bonâ Fide*, built in, or belonging to the People of this Province excepted. Country Bottoms excepted.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXXIX.

An Act declaring an Act, entitled, * An Act ascertaining the Bounds of Land, *to be in Force. Lib.* LL. N° 3. *fol.* 170. *EXP.* Passed 3d of *October* 1704.

* 1699, *ch.* 18; hereby continued to the End of the next Session.

CHAP. LXXX.

An ACT declaring the Petitionary *Act relating to the Free-School*, to be in Force. *Lib.* LL. N° 3. *fol.* 171. Ditto.

BE it Enacted, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That the Petitionary Act of Assembly, for founding and establishing Free-Schools within this Province, made at a General Assembly of this Province, begun and held at *Annapolis*, the First Day of *July* in the Year of our Lord One Thousand Six Hundred and Ninety-six, directed **To his most Excellent Majesty**, and every Branch, Clause and Paragraph thereof, is hereby declared to stand and be in full Force, Power and Virtue, to all Intents, Constructions and Purposes whatsoever. The Act of 1696, *ch.* 17, declared to be in Force.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. LXXXI.

Passed 3d of October 1704. *An Act enabling* William Sweatnam, *of* Talbot *County, Gent. Deviſee of* Richard Sweatnam, *Deceaſed, to ſell Sixteen Hundred and Twenty-four Acres of Land. Lib.* LL. N° 3. *fol.* 172. *PR.*

CHAP. LXXXII.

Ditto. *An Act for ſettling of Lands on* Suſanna Blaney, *&c. Lib.* LL. N° 3. *fol.* 173. *PR.*

CHAP. LXXXIII.

Ditto. *An Act for confirming the Laſt Wills and Teſtaments of* Charles Aſhcome, *late of* St. Mary's *County, Gent. Deceaſed; and of* John Whinfell, *of* Calvert *County, Planter, Deceaſed; and likewiſe of* John Burnam, *late of* Talbot *County, Deceaſed. Lib.* LL. N° 3. *fol.* 174. *PR.*

CHAP. LXXXIV.

Ditto. *An Act to enable Colonel* Edward Dorſey, *to ſell ſome intailed Lands, and Houſes, in the Port of* Annapolis, *for the Uſe of his Children. Lib.* LL. N° 3. *fol.* 176. *PR.*

CHAP. LXXXV.

Ditto. *An Act for Naturalization of* Otho Othoſon, *of* Cæcil *County. Lib.* LL. N° 3. *fol.* 177. *PR.*

N. B. The following Acts were made this Seſſion, but the Originals which paſſed the Great Seal, were burned together with the Court-houſe, before they were entered upon Record; and accordingly were Re-enacted in the ſubſequent Seſſion called for that Purpoſe.

An Act for the Preſervation of ſeveral Harbours and Landing Places within this Province. *Re-enacted* 1704, *ch.* 90.

An Act for the Advancement of Natives and Reſidents of this Province. *Re-enacted* 1704, *ch.* 93.

An Act declaring the Diviſion of ſeveral Counties to be firm and ſtable. *Re-enacted* 1704, *ch.* 92.

An Act cauſing Jurors and Witneſſes to come to Court. *Re-enacted* 1704, *ch.* 89.

An Act for Payment of Criminal Fees. *Re-enacted* 1704, *ch.* 88.

An Act for Limitation of Officers Fees. *Re-enacted* 1704, *ch.* 86.

At a Seſſion of ASSEMBLY begun and held at the Port of *Annapolis*, the 5th Day of *December*, in the Third Year of the Reign of our Sovereign Lady ANNE, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, Queen, Defender of the Faith, *&c. Annoq; Domini* 1704, and ended the 9th Day of the ſame Month, were enacted the Laws following.

JOHN SEYMOUR, Eſq; Governor.

CHAP. LXXXVI.

Paſſed 5th of Dec. 1704. *An Act for Limitation of Officers Fees. Lib.* LL. N° 3. *fol.* 181. *EXP.*

For 3 Years. Continued by 1708, *ch.* 19; 1709, *ch.* 15; 1711, *ch.* 19; and 1714, *ch.* 5. Then expired the 10th *May* 1718. An Explanatory Act was made 1707, *ch.* 11. A Supplementary Act 1717, *ch.* 2; and a new Law 1719, *ch.* 18.

CHAP. LXXXVII.

Ditto. *An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. Lib.* LL. N° 3. *fol.* 194. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

For 3 Years. Revived and continued by 1708, *ch.* 15; 1709, *ch.* 12; 1711, *ch.* 4; and 1714, *ch.* 3. A new Law made 1715, *ch.* 43.

CHAP.

CHAP. LXXXVIII.

An Act for Payment of Fees due from Criminal Persons. *Lib.* LL. N° 3. *fol.* 202. OBS. Passed 9th of *Dec.* 1704.

Re-enacted 1715, *ch.* 26.

CHAP. LXXXIX.

An Act for causing Grand and Petit Jurors, and Witnesses, to come to the Provincial and County Courts. *Lib.* LL. N° 3. *fol.* 203. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 37.

CHAP. XC.

An Act for the Preservation of the several Harbours and Landing Places within this Province. *Lib.* LL. N° 3. *fol.* 205. *REP.* 1735, *ch.* 16. Ditto.

A new Law made 1735, *ch.* 16.

CHAP. XCI.

An Act for Rebuilding the Stadt-House at Annapolis. *Lib.* LL. N° 3. *fol.* 207. OBS. Ditto.

CHAP. XCII.

An ACT declaring the Divisions of several Counties within this Province, made by Virtue of a former Act, entitled, * *An Act for the Division and Regulating several Counties within this Province, and Constituting a County by the Name of* Prince-George's *County, within the same Province,* to be firm and stable. *Lib.* LL. N° 3. *fol.* 208. Ditto.

*1695, *ch.* 13.

WHEREAS by an Act of Assembly, made at an Assembly held at *Annapolis*, the Eighth Day of *May* Sixteen Hundred Ninety-five, entitled, *An Act for the Regulating and Division of several Counties within this Province, and Constituting a County by the Name of* Prince-George's *County within the same Province,* which is now executed, several Divisions and Partitions were made: And by another Act of Assembly made the Third Day of *April* Sixteen Hundred and Ninety-eight, entitled, *An Act ascertaining the Bounds and Limits of* Ann-Arundel *and* Baltimore *Counties,* several other Divisions and Partitions, Lines and Land-Marks, were made, relating to the Bounds of both the said Counties. Preamble reciting the Act of 1695, *ch.* 13. and 1608, *ch.* 13.

II. **Be it Enacted** *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That such Partitions and Divisions, Lines and Land-Marks, as by the Directions of the said Act were made, shall remain firm and stable for ever. The Divisions made by those Acts confirmed.

III. **And whereas** there are several Counties that are divided by navigable Rivers, and no Rule yet made how far the Jurisdiction of each County shall extend on the River; **Be it therefore Enacted** *by the Authority aforesaid,* That every County lying on any navigable River, in this Province, shall extend its Jurisdiction from the Shore to the Channel of such River that divides the County; and be divided from the other County by the Channel of the said River. And that where any Ship or Vessel shall ride at Anchor in the Channel of such River, Process may be served on board the said Ship, by the Officer of either County that can first serve it. But when moored by any Hold on the Land, shall be supposed to lie in that County to whose Shore she is fastened, if moored. The Jurisdiction of Counties separated from each other by any navigable River, settled.

Examined and Compared with the Record, REVERDY GHISELIN, THOMAS BACON.

CHAP. XCIII.

Passed 9th of *Dec.* 1704. **An ACT for Advancement of the Natives and Reſidents of this Province.** *Lib.* LL. N° 3. *fol.* 210.

No Perſon to hold any Office of Truſt, &c. within this Province, till after three Years Reſidence; Exception.

BE it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That no Perſon or Perſons whatſoever, who have not made this Province their Seat of Reſidence for the full Space and Term of Three Years, ſhall have, hold, poſſeſs or enjoy any Place or Office of Truſt or Profit within the ſame, either by himſelf, or Deputy, except ſuch Perſon or Perſons as ſhall have immediate Commiſſion from her Majeſty, her Heirs and Succeſſors, for any ſuch Place or Office aforeſaid, as alſo ſuch Perſon or Perſons, now poſſeſſed of any ſuch Place or Office as aforeſaid.

Perſons commiſſioned by the Crown to diſpoſe of any Place, &c. ſhall make Choice of Reſidents, except as before.

II. **But** that all and every her Majeſty's principal Officers, within this Province, having, or that ſhall hereafter have, Authority, by virtue of any Commiſſion from her Majeſty, her Heirs and Succeſſors, to him or them granted, to diſpoſe of any Place or Office as aforeſaid, may, upon Vacancy of any Place or Office whereof they have Right to diſpoſe, be obliged to make choice of ſuch Perſon or Perſons, as they ſhall think moſt worthy and capable of executing ſuch Place or Office as aforeſaid, out of the Inhabitants of this Province who have been Reſident therein during the Time and Term aforeſaid, (except before excepted) any Cuſtom or Uſage to the contrary notwithſtanding.

Perſons commiſſioned by the Crown, ſhall reſide, &c. without particular Licence.

III. **And be it further Enacted,** That every Perſon or Perſons whatſoever, having Commiſſion from the Queen's Majeſty, her Heirs and Succeſſors, to exerciſe any Office within this Province, ſhall actually inhabit within this Province, and exerciſe the ſame in his own proper Perſon, and not by any Deputy or Deputies, without particular Leave from her Majeſty.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XCIV.

Paſſed 9th of *Dec.* 1704. *An Act declaring ſeveral Acts of Aſſembly, formerly made, to be in Force.* *Lib.* LL. N° 3. *fol.* 211. *EXP.*

The Acts hereby continued, are 1692, *ch.* 16; 1692, *ch.* 63; 1694, *ch.* 8; 1696, *ch.* 10; 1699, *ch.* 3; 1700, *ch.* 3; and 1700, *ch.* 6; all which are declared to be in Force to the End of the next Seſſion of Aſſembly.

CHAP. XCV.

Ditto. *An Act for ſuſpending the Proſecution of any Prieſts of the Communion of the Church of* Rome, *incurring the Penalties of an Act of Aſſembly, entitled,* * *An Act for preventing the Growth of Popery, by exerciſing his Function in a private Family of the* Roman *Communion, but in no other Caſe whatſoever.* *Lib.* LL. N° 3. *fol.* 212. *EXP.*

*1704, *ch.* 59.

For 18 Months.

CHAP. XCVI.

Paſſed 9th of *Dec.* 1704. *An Act for the Diviſion of* St. Paul's *Pariſh in* Prince George's *County.* *Lib.* LL. N° 3. *fol.* 213.

(1.) The ſaid Pariſh to be divided. (2.) The Diviſion Lines to begin with the dividing Branches of *Patuxent* River, and to run with the Weſtern Branch, to a Branch called *Cabin-Branch*, by the Plantation of a certain *Edward Willet*, and ſo with the *Cabin-Branch*, to the Head thereof: And the Southernmoſt Part to be adjudged to be *St. Paul*'s Pariſh. (3.) The ſaid *St. Paul*'s Pariſh to be further bounded and divided by the Ridge between *Patuxent* and *Patowmack*; and the Eaſtern Side of the ſaid Ridge, and the Northernmoſt Part of the Weſtern Branch, to be adjudged a new and diſtinct Pariſh, by the Name of *Queen-Anne*'s Pariſh, with Power to elect proper Officers, and enjoy all the Advantages, Privileges and Benefits of a compleat and entire Pariſh.

CHAP. XCVII.

Ditto. *An Act declaring an Act, entitled,* * *An Act for Erecting* Ann-Arundel *and* Oxford *Towns, into Ports and Towns, formerly made, to be in Force.* *Lib.* LL. N° 3. *fol.* 214. *EXP.*

* Made

* Made 1694, *ch.* 8, hereby continued in Force to the End of the next Seſſion of Aſſembly. This ſame Act is continued in Force for the ſame Time, among others, by *ch.* 94, of this Seſſion. CHAP. XCVII.

CHAP. XCVIII.

An Act declaring the Act, entitled, † *An Act aſcertaining the Bounds of Land to be in Force. Lib.* LL. N° 3. *fol.* 214. *EXP.* Paſſed 9th of *Dec.* 1704.

† Made 1699, *ch.* 18, hereby continued in Force to the End of the next Seſſion of Aſſembly.

CHAP. XCIX.

An Act declaring the Act, entitled, ‖ *An Act for the Puniſhment of Perſons ſuborning Witneſſes, and committing wilful and corrupt Perjury, to be in Force. Lib.* LL. N° 3. *fol.* 215. *EXP.* Ditto.

‖ Made 1692, *ch.* 16, hereby continued in Force to the End of the next Seſſion of Aſſembly. This ſame Act is alſo continued for the ſame Time, by *ch.* 94, of this Seſſion.

CHAP. C.

An Act declaring an Act, entitled, ‡ *An Act for ſanctifying and keeping Holy the Lord's Day, commonly called Sunday, to be perpetual. Lib.* LL. N° 3. *fol.* 215. *REP.* 1723, *ch.* 16. Ditto.

‡ Made 1696, *ch.* 10; it is Re-enacted (in Subſtance) in 1723, *ch.* 16.

CHAP. CI.

An Act declaring an Act, entitled, † *An Act concerning* Indians, *to be in Force. Lib.* LL. N° 3. *fol.* 216. *EXP.* Ditto.

† Made 1692, *ch.* 63, hereby continued in Force to the End of the next Seſſion of Aſſembly. The ſame Act is alſo continued for the ſame Time, by *ch.* 94, of this Seſſion.

At a Seſſion of ASSEMBLY begun and held at the Town and Port of *Annapolis*, in *Ann-Arundel* County, on the 15th, and ended the 25th Day of *May* 1705, and in the 4th Year of her Majeſty's Reign, were enacted the Laws following. 1705.

JOHN SEYMOUR, Eſq; Governor.

CHAP. I.

An Act for the Relief of Ann-Arundel *County, and all Perſons concerned in the Records thereof, lately burned. Lib.* LL. N° 3. *fol.* 217. Paſſed 25th *May* 1705.

(1.) The Governor impowered to appoint ſeven or more Commiſſioners, whereof any three or more, from Time to Time, to hear and determine all Differences, Claims, *&c.* between any Inhabitants, or other Perſons, intereſted in the Lands lying within the County aforeſaid, *&c.* ſummarily, and without the Formality and Proceedings in Courts of Law, or Equity, either upon the Verdict or Inquiſition of Jurors, Teſtimony of Witneſſes upon Oath, Examination of Parties intereſted, or by all or any the ſaid Ways, or otherwiſe, according to their Diſcretions. (2.) The Judgment or Sentence of the ſaid Commiſſioners, or any three or more of them, to be final between the ſaid Parties, their Heirs, Executors, Adminiſtrators and Aſſigns, and all claiming by, from or under them, *&c.* The ſaid Commiſſioners always giving timely Notice, of not leſs than Sixteen Days, of the Time and Place of their Sitting. (3.) Saving the Right of all Perſons under Age, *Non ſanæ Memoriæ*, *Femme Couverts*, and Perſons non-reſident within this Province, during ſuch Time as they ſhall continue ſo, who are allowed to proſecute their Claims within Twelve Months after ſuch Diſability removed: And unleſs any Party diſſatisfied therewith, ſhall appeal therefrom, within Thirty Days, to ſuch Commiſſioners as the Governor for the Time being, ſhall authoriſe, not exceeding Five in Number, whereof the major Part, if all ſuch Commiſſioners meet, or Two, in caſe only Three meet, to determine finally thereon, without farther Appeal or Review. (4.) For better Diſcovery of Peoples Rights to Lands, claimed before them, the Commiſſioners are impowered to iſſue Precepts to the Sheriff and Surveyor of the ſaid County, to Reſurvey, and make Returns to the ſaid Commiſſioners, purſuant to the Tenor of ſuch Precepts and Warrants, *&c.* (5.) The Judgments and Determinations made between Party and Party, by virtue of this Act, to be recorded in a fair Book or Books, *&c.* And every ſuch Judgment, or Determination, to be ſigned by three or more of the ſaid Commiſſioners: Which Book or Books, when perfected, to be placed and intruſted in the Cuſtody of the Clerk of *Ann-Arundel* County, among the Records of the ſaid County, that all Perſons concerned may repair to view the ſame, *&c.*

By the Act of 1719, *ch.* 16, this Act is declared to have always hitherto been in as full Force and Effect as if the ſame had never been Repealed: Provided no Perſon concerned therewith be allowed to make their Claims, by virtue thereof, after the 20th *June* 1720. Saving to Infants, Married

CHAP. I. Married Women, Perſons of unſound Mind, Impriſoned, or beyond Seas, the Liberty of making ſuch their Claims at any Time within Twelve Months after ſuch Impediment removed.

The Act of 1723, *ch.* 20, impowers the Juſtices of *Ann-Arundel* County Court, to act and proceed according to the Intent and Meaning of this Act of 1705, *ch.* 1, in all Matters and Things therein mentioned, as if Commiſſion for that Purpoſe had iſſued to them, according to the Directions of the ſaid Act, *&c.*

By the Act of 1751, *ch.* 15, the ſpecial Records of *Ann-Arundel* County, formed in purſuance of this Act of 1705, *ch.* 1, are eſtabliſhed.

CHAP. II.

Paſſed 25th *May* 1705. *An Act impowering Major* Nicholas Lowe, *Executor of the Laſt Will and Teſtament of* William Edmondſon, *late of* Dorcheſter *County, deceaſed, to ſell a certain Tract of Land, lying in* Dorcheſter *County, called* Richardſon's Choice, *formerly purchaſed by the ſaid* William Edmondſon, *of and from one* John Nichols, *for Payment of a Debt due from the ſaid* William Edmondſon, *to the ſaid* John Nichols, *for the remaining Part of the original Purchaſe for the ſaid Land. Lib.* LL. N° 3. *fol.* 220. *PR.*

See a farther Act relating to this Land, 1710, *ch.* 4.

CHAP. III.

Ditto. *An Act confirming a certain* * *Letter of Attorney from* William Joſeph, *Eſq; the Father, to* William Joſeph *his Son. Lib.* LL. N° 3. *fol.* 221. *PR.*

* *Viz.* Impowering him to ſell certain Lands for Payment of his ſaid Father's Debts.

CHAP. IV.

Ditto. *An Act for the Exportation and Baniſhment of* † Benjamin Cely. *Lib.* LL. N° 3. *fol.* 222.

† *Viz.* Sentence of Death for Felony and Burglary, changed into a Baniſhment of Seven Years.

CHAP. V.

Ditto. *An Act for the Outlawing of* ‖ Richard Clarke, *of* Ann-Arundel *County. Lib.* LL. N° 3. *fol.* 223.

‖ Charged by this Act with a wicked and treaſonable Conſpiracy to ſeize upon the Magazine and Governor, and overturn her Majeſty's Government, and bring the Heathen *Indians*, together with the Conſpirators, to cut off and extirpate the Inhabitants of this Province. The Outlawry to take Place, unleſs he ſhould ſurrender himſelf, within Twenty Days after the End of this Seſſion. An Act of Attainder paſſed againſt him 1707, *ch.* 1.

CHAP. VI.

Ditto. *An Act for Puniſhment of Perſons ſelling or tranſporting any Friend* Indian *or* Indians *out of this Province. Lib.* LL. N° 3. *fol.* 224. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Act made 1715, *ch.* 16.

CHAP. VII.

Ditto. *An Act for Naturalization of* Chriſtopher Dangerman, *of* Calvert *County, Saddler. Lib.* LL. N° 3. *fol.* 225. *PR.*

CHAP. VIII.

Ditto. An ACT declaring the Act, entitled, *An Act for the Puniſhment of Perſons ſuborning Witneſſes, and committing wilful and corrupt Perjury*, to be in Force. *Lib.* LL. N° 3. *fol.* 226.

The Act of 1692, *ch.* 16. made perpetual. BE it Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Act of Aſſembly, entitled, *An Act for the Puniſhment of Perſons ſuborning Witneſſes, or committing wilful and corrupt Perjury*, and every Matter, Clauſe and Thing therein contained, is hereby declared to be and remain in full Force and Effect, to all Intents, Conſtructions, and Purpoſes whatſoever.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

Paſſed 25th *May* 1705. *An Act declaring an Act, entitled,* ‡ An Act for erecting *Ann-Arundel* and *Oxford* Towns, into Ports and Towns, *formerly made, to be in Force. Lib.* LL. N° 3. *fol.* 226. *EXP.*

‡ 1695, *ch.* 8, hereby continued in Force to the End of the next Seſſion of Aſſembly.

CHAP.

CHAP. X.

An Act declaring an Act, entitled, * An Act ascertaining the Bounds of Land, *to be in Force. Lib.* LL. N° 3. *fol.* 227. *EXP.* Passed 25th *May* 1705.

* 1699, *ch.* 18, hereby continued in Force to the End of the next Session of Assembly.

CHAP. XI.

An Act impowering a Committee to lay, assess, and apportion the public Levy of this Province, for the present Year One Thousand Seven Hundred and Five. Lib. LL. N° 3. *fol.* 227. *OBS.* Ditto.

At a Session of ASSEMBLY, begun and held at the Town and Port of *Annapolis*, in the County of *Ann-Arundel*, on the Second Day of *April*, in the Fifth Year of the Reign of our Sovereign Lady ANNE, Queen of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq*; *Domini* 1706; and ended the 19th Day of the same Month, were enacted the following Laws. 1706.

JOHN SEYMOUR, Esq; Governor.

CHAP. I.

An Act declaring an Act, entitled, * An Act ascertaining the Bounds of Land, *to be in Force. Lib.* LL. N° 3. *fol.* 231. *EXP.* Passed 19th *April* 1706.

* 1699, *ch.* 18, hereby continued in Force to the End of the next Session of Assembly.

CHAP. II.

An Act for Naturalization of John Baptist Tyler, *of* Prince-George's *County, Planter. Lib.* LL. N° 3. *fol.* 232. *PR.* Ditto.

CHAP. III.

An Act for the dividing and regulating several Counties on the Eastern Shore of this Province, and constituting a County, by the Name of Queen-Anne's *County, within the same Province. Lib.* LL. N° 3. *fol.* 233. Ditto.

(1.) From and after the 1st *May* 1707, the Bounds of *Talbot* County shall contain, *Sharp's-Island*, *Choptank-Island*, and all the Land on the North Side of *Great-Choptank* River, and extend itself up the said River to *Tuckahoe* Bridge; and from thence with a strait Line to the Mill commonly called, and known by the Name of *Swetnam*'s Mill, and from thence down the South Side of *Wye* River to the Mouth thereof, and from thence down the Bay (including *Poplar-Island*) to the first Beginning: Also *Bruff's-Island* in *Wye* River. (2.) From and after the said 1st *May* 1707, the Island called *Kent-Island*, and all the Land on the South Side of *Chester* River, to a Branch called *Sewell*'s Branch, and with the said Branch to the Head thereof; and from thence with an East Line to the Extent of this Province: And bounded on the South with *Talbot* County, to *Tuckahoe* Bridge; and from thence with *Tuckahoe* Creek and *Choptank* River to the Mouth of a Branch falling into the said River, called or known by the Name of the *White-Marsh* Branch; and from thence, with a North-East Line, to the Extent of this Province: And bounded, on the East, with the Extreme Bounds of this Province, shall be, and is hereby constituted, founded and incorporated into a County of this Province, by the Name of *Queen-Anne*'s County. And to have and enjoy all Rights, Benefits and Privileges, equal with the other Counties of this Province; such as sending Burgesses to the General Assembly, having County Courts, Sheriffs, Justices, and other Officers and Ministers requisite and necessary, and as used in other Counties in this Province. (3.) From and after the said 1st *May* 1707, *Kent* County shall begin at the South Point of *Eastern-Neck*, and from thence run up *Chesapeak* Bay to *Sassafras* River, and up the said River to the South End of the long Horse Bridge lying over the Head of the said River; and from thence, with a Line drawn East and by South, to the exterior Bounds of this Province; and with the exterior Bounds of this Province until it intersect the Line of *Queen-Anne*'s County, and with the said County down *Chester* River to *Eastern-Neck*, where it first begun: And shall contain all the Land within the said Bounds. (4.) From and after the said 1st *May* 1707, *Cæcil* County shall contain all the Land on the North Side of *Sassafras* River, and *Kent* County; and shall be bounded on the East and North with the exterior Bounds of this Province; and on the West, with *Susquehannah* River and *Chesapeak* Bay; and on the South, with *Sassafras* River, and *Kent* County. (5.) Commissioners appointed to cause the Bounds of the said Counties to be surveyed, and marked by double Lines of marked Trees, &c. (6.) The same Commissioners impowered to lay out and purchase, by Agreement with the Owners, or Valuation of a Jury, two Acres of Land in each County, whereon to build Court-houses, &c.

Talbot.

Queen-Anne's.

Kent.

Cæcil.

An

CHAP. IV.

Passed 19th *April* 1706. *An Act for erecting a Pariſh on the North-Side of* Elk *River, in* Cæcil *County.* *Lib.* LL. N° 3. *fol.* 238.

Bounds of *North-Elk* Pariſh.

From and after the 1ſt *May* 1706, all that Part of *Cæcil* County, lying on the North Side of *Elk* River, being bounded as followeth, *viz.* Beginning at *Turkey-Point* on the North Side of *Elk* River aforeſaid, and running with the ſaid River to *Smith*'s Mill at the Head thereof; then Eaſt, to the exterior Bounds of this Province, and with the exterior Bounds of this Province to *Suſquehannah* River; thence with the Eaſt Side of the ſaid River, and the Bay of *Cheſapeak* to the firſt Beginning, ſhall be conſtituted and erected into a Pariſh, by the Name of *North-Elk* Pariſh; and ſhall have, hold and enjoy all Privileges and Advantages that are held and enjoyed by other Pariſhes in this Province.

CHAP. V.

Paſſed 19th *April* 1706. *An Act for veſting and ſettling certain Lands in* John Whittington, *and his Heirs, late the Eſtate and Inheritance of a certain* Daniel Toaes, *for and towards Satisfaction and Payment of a Debt due from the ſaid* Toaes, *and paid by the ſaid* Whittington. *Lib.* LL. N° 3. *fol.* 240. *PR.*

CHAP. VI.

Ditto. *An Act to make null and void a certain Deed or Conveyance, made by* Thomas Edmondſon *to* William Edmondſon, *and remaining upon Record in* Dorcheſter *County Court.* *Lib.* LL. N° 3. *fol.* 243. *PR.*

CHAP. VII.

Ditto. *An Act for uniting* Newport *Hundred, now Part of* King and Queen's *Pariſh, to* William and Mary *Pariſh in* Charles *County.* *Lib.* LL. N° 3. *fol.* 245. *REP.* 1715, *ch.* 3.

CHAP. VIII.

Ditto. An ACT declaring ſeveral Acts of Parliament, made in the Kingdom of *England*, to be in Force within this Province. *Lib.* LL. N° 3. *fol.* 247.

The *Engliſh* Statute againſt Bigamy.

BE it Enacted *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Act of Parliament made at the Parliament begun and held at *Weſtminſter*, the Nineteenth Day of *March*, in the Firſt Year of the Reign of our late Sovereign Lord, King *James* the Firſt, entitled, *An Act to reſtrain all Perſons from Marriage, until their former Wives, and former Huſbands be dead*; and the ſeveral Penal Acts of Parliament of *England*, mentioned in the Act of Parliament made at the Parliament held at *Weſtminſter*, in the Firſt Year of the Reign of our late Sovereign Lord and Lady, King *William* and Queen *Mary*, entitled, *An Act for exempting their Majeſty's Proteſtant Subjects, Diſſenting from the Church of* England, *from the Penalties of certain Laws*; together with the ſaid laſt mentioned Act of Parliament, exempting their Majeſty's Proteſtant Subjects, Diſſenting from the Church of *England*, from the Penalties of the ſaid Laws; and every Article, Clauſe, Matter, and Thing, in the ſaid Acts contained, ſhall be, and are in full Force, to all Intents and Purpoſes, within this Province.

1 *Jac.* 1. *ch.* 11.

The Toleration Act with all the Penal Acts therein mentioned, declared to be in Force within this Province.

1 W. & M. ch. 18

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

Paſſed 19th *April* 1706. *An Act declaring an Act, entitled,* * An Act for ſuſpending the Proſecution of any Prieſts of the Communion of the Church of *Rome*, incurring the Penalties of an Act of Aſſembly, entitled, An Act for preventing the Growth of Popery," by exerciſing their Function in a private Family of the *Roman* Communion, but in no other Caſe whatſoever, *to be in Force.* *Lib.* LL. N° 3. *fol.* 248. *EXP.*

* The Act of 1704, *ch.* 95, is hereby continued till the 20th *April* 1707, or till her Majeſty's Pleaſure firſt known. But the original Act of 1704, *ch.* 59, is *REP.* by 1718, *ch.* 4.

CHAP. X.

Ditto. For 3 Years. *An Act to prohibit the Exportation of* European *Commodities out of this Province.* *Lib.* LL. N° 3. *fol.* 249. *REP.* 1707, *ch.* 13.

CHAP.

CHAP. XI.

An ACT encouraging the Making Hemp and Flax within this Province. *Lib.* LL. N° 3. *fol.* 251.

Passed 19th *April* 1706.

Preamble.

THE Inhabitants of this Province being, in a great Measure, encouraged by our most gracious Queen's Royal Assent to an Act of Parliament made in the Third and Fourth Years of her said Majesty's Reign, entitled, *An Act for encouraging the Importation of Naval Stores from her Majesty's Plantations in* America, to make Hemp within this Province; and this present General Assembly being willing and desirous that the said Encouragement should not prove ineffectual, but that so good and great an Advantage to this Province should be furthered and promoted; for further Encouragement thereof do pray that it may be Enacted;

Hemp of the Growth, &c. of this Province made a Staple at 6 *d.* per ℔. and Flax at 9 *d.* per ℔. And a Tender thereof at those Rates for One Fourth of any Debt, to be good in Law.

II. **And be it Enacted,** *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That if any Person or Persons, living or inhabiting within this Province, shall hereafter make, by him, her, or themselves, or by his, her, or their Servants or Workmen, upon any the Lands or Plantations within this Province, any Quantity or Quantities of Hemp, or Flax, and cause the same to be Water-rotted, bright and clean, and made merchantable; and that such Person or Persons, making such Hemp or Flax, be indebted to any Person or Persons residing or trading into this Province, in any Sum or Sums of Money, or Tobacco, that then such Person or Persons, to whom the same are, or shall be due, shall be, and are hereby obliged to take and receive of and from such his, her, or their Debtor, or Debtors, tendering * in some Port or Town within this Province, such Hemp or Flax, Water-rotted, bright, clean, and made merchantable, one Fourth Part of such Debt, due from such Debtor or Debtors, that can and will tender and pay the same, after the Rate of Six Pence per Pound for Hemp, and Nine Pence per Pound for Flax, and so proportionably for any greater or lesser Quantity; and according to the same Rate in Tobacco, at One Penny per Pound.

* By the Act of 1724, *ch.* 22, a Tender of such Hemp or Flax, at the Dwelling-house of the Creditor, shall be good in Law.

Creditors refusing such Tender, and afterwards suing, to be Non-suited.

III. **And** if any Creditor or Creditors shall refuse to accept and take such Quantity of Hemp or Flax at the Rates aforesaid, when to them tendered towards Satisfaction of his Debt; and shall, after such Tender, bring any Action at Law against the Debtor for the same, that then such Debtor pleading a Tender of such Hemp or Flax, and proving the same to Effect, the Plaintiff shall be Non-suit, and shall pay Costs to the Defendant.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XII.

Passed 19th *April* 1706.

An Act to impower Trustees to sell the Free-hold and Demesne Land of Abraham Naylor, *late of* Ann-Arundel *County, deceased, and apply the Money to the Uses mentioned in his Last Will and Testament.* *Lib.* LL. N° 3. *fol.* 253. *PR.*

CHAP. XIII.

Ditto.

An Act impowering a Committee to lay, assess, and apportion, the public Levy of this Province, for this present Year One Thousand Seven Hundred and Six. *Lib.* LL. N° 3. *fol.* 255. *OBS.*

CHAP. XIV.

Ditto.

An Act for Advancement of Trade, and erecting Ports and Towns in the Province of Maryland. *Lib.* LL. N° 3. *fol.* 258. *DISSENT.*

N. B. This Act, with its Supplementary Act 1707, *ch.* 16, and its Additional Supplementary Act of 1708, *ch.* 3, being Disallowed by her Majesty, are no longer in Force; but as they are referred to by the Act of 1715, *ch.* 32, and all Property obtained under them confirmed by that Act, it is thought expedient to give an Extract of such Parts of these Disallowed Laws as private Property may in any wise depend upon.

CHAP. XIV.

By this Act (1.) From and after the End of this preſent Seſſion, the Towns, Ports and Places hereafter mentioned, ſhall be the Ports and Places where all Ships and Veſſels, trading into this Province, ſhall Unlade and put on Shore, all Negroes, Wares, Goods, Merchandizes, and Commodities whatſoever, *viz.*

St. Mary's County.
- *St. Mary*'s Town.
- *St. Clement*'s Town. And,
- A Town on *Beckwith*'s Iſland, in *Patuxent* River.

Kent County,
- In *Cheſter* River, on a Plantation of Mr. *Joce*'s, between Mr. *Wilmore*'s and *Edward Walvin*'s Plantation.
- In *Worton* Creek, on a Tract of Land where *Francis Barnes* lives, formerly laid out for a Town.
- At *Saſſafras* River, where *Shrewſbury* Town was.

Ann-Arundel County,
- The Town and Port of *Annapolis*.
- *London-Town*, on the South Side of *South-River*.
- A Town at *Weſt-River*, where the Town was formerly.
- At *Herring-Creek*, where the Town was formerly laid out.
- And a Town to be laid out at *Magotty* River, on the Plantation late in the Poſſeſſion of *Thomas Hanſon*, on the South Side of the ſaid River.

Calvert County,
- At the Head of *Leonard*'s Creek, on both Sides of the Mill-Branch, at the Mouth of the ſaid Branch.
- At the Head of *Hunting-Creek*, on both Sides of the ſaid Creek.
- And in the Freſhes of *Patuxent* River, at the Plantation of *George* and *Thomas Hardiſty*.

Charles County,
- At *Port-Tobacco*, and *Newport*, where Towns were formerly laid out.
- And at *Benedict-Leonard-Town* in *Patuxent* River, where the Town was formerly erected.

Baltimore County,
- At *Whetſtone-Neck*, in *Patapſco* River.
- Upon the Land called *Chillberry*, in *Buſh-River*.
- And a Town on *Forſter-Neck*, on *Gunpowder* River.

Somerſet County,
- On the North Side of *Wiccomoco* River, on the Wood-land Reach, below *Daniel Haſt* Creek.
- At *Rehoboth*, on *Pocomoke* River.
- At *Snow-Hill*, where the Towns were formerly erected.
- On a Point of Land, lying in the Fork of *Monokin* River, where Capt. *Henry Smith* formerly lived, ſometime called the *White-Houſe*.
- And at *Colebourne*'s Creek, in *Annimeſſex*.

Talbot County,
- At *Oxford*, formerly erected into a Port and Town.
- At *Doncaſter* in *Wye* River.
- At *Kingstown* in *Great Choptank*.

Cæcil County,
- At Capt. *John*'s Creek, where a Town was formerly laid out.
- In *Elk* River. And,
- The Land belonging to *Iſaac Calk*, in *Saſſafras* River.

Dorcheſter County,
- *Cambridge*, in *Great Choptank*, } where Towns were formerly laid out.
- *Iſlington*, in *Little Choptank*, } where Towns were formerly laid out.
- *Little Yarmouth*, in *Tranſquakin* River, } where Towns were formerly laid out.
- And at the Emperor's Landing, in *Nanticoke* River.

Pr. George's County,
- At the Land of *William Mills*, in *Patuxent* River.
- At *Mattapanye* Landing, on the Land of *Thomas Brooke*, Eſq;
- At *Mount-Calvert*, where the Court-houſe ſtands.
- At the Upper Landing in the Weſtern Branch, commonly called Col. *Belt*'s Landing.
- At the Upper Landing in the Northern Branch, on the Weſt Side of the ſaid Branch, commonly called *Anderſon*'s Landing. And,
- At *Broad-Creek*, in *Patowmack* River, on the South Side of the ſaid Creek, at *Thomas Lewis*'s Landing.

Queen-Anne's County,
- At *Courſeca-Creek*, upon the Plantation where *Robert Smith*, Eſq; now lives.
- At *Broad-Creek*, upon *Kent-Iſland*, where the ſame Town was formerly laid out.

(2.) Out of which the following Places, and no others, ſhall be reputed and appointed Ports, *viz.*

PORTS.
- *ANNAPOLIS*, in *Ann-Arundel* County.
- *St. Mary*'s Town, in *Patowmack*.
- At *Cheſter-Town*, upon *Joce*'s Land, in *Cheſter* River.
- *Green-Hill-Town*, in *Somerſet* County, below *Daniel Haſt* Creek, in *Wiccomoco*.
- At the Town of *Oxford*, in *Great Choptank*.
- And at *Beckwith*'s Iſland, in *Patuxent* River.

(3.) Commiſſioners appointed for the ſeveral Counties, to execute the Powers and Authorities given them according to the Rules, *&c.* in this Act preſcribed, as well for purchaſing the aforeſaid Town Lands, Ports and Places, as for ſurveying the ſame, and marking and ſtaking out the ſeveral Lots to be laid out in the ſaid Towns, to the End that the Length, Breadth, and Extent of every Town, *&c.* and Lots therein, may be better known and obſerved. (4.) The Commiſſioners for each County, or major Part of them, impowered to meet before the 1ſt *September* 1706, upon the reſpective Lands and Places in this Act mentioned, and then and there to treat and agree with the Owners, *&c.* for 100 Acres of Land; and, after Purchaſe, to cauſe the ſame to be ſurveyed, laid out, marked, ſtaked, and divided into convenient Streets, Lanes, *&c.* with open

open ſpare Places left, whereon may be erected Church, Chapel, Market-houſe, and other public Buildings, and the remaining Part of the ſaid 100 Acres, as near as may be, into 100 equal Lots, marked on Poſts or Stakes towards the Streets, &c. with N° 1, 2, 3, &c. to 100. (5.) The Owner of the Land to have his firſt Choice for one Lot, after which the remaining Lots may be taken up by others, but no Perſon to purchaſe more than one Lot during the firſt Four Months after laying out ſuch Port or Town, and the Lots to be purchaſed by Inhabitants of the reſpective Counties; but if not taken up by ſuch Inhabitants within Four Months, then ſuch Lots may be taken up by any Perſons whatſoever, paying the Owner proportionably for the ſame. (6.) If the Owners of ſuch Land ſhould refuſe to make Sale thereof, or through Nonage, &c. or other Impediment, be diſabled to ſell, the Commiſſioners of the reſpective Counties impowered to cauſe a Jury to be ſummoned and empannelled by the Sheriff, to value ſuch Lands upon Oath; and the Sum of Tobacco, adjudged by ſuch Jury as the Worth of the Land, to be paid to the Owners, &c. by Perſons taking up Lots, proportionably to their ſaid Lots. (7.) Perſons making Choice of any Lot, ſo laid out, and making Entry thereof with the Perſon appointed by the Commiſſioners to keep the Book for Entry of ſuch Lots; and paying or giving Security for Payment of the Sum rated upon ſuch Lot, by Direction of the Commiſſioners, or Jury, and payable to the Owner of the Land; and on ſuch Lot, ſo as aforeſaid taken up, building one ſufficient Twenty Foot ſquare Houſe at the leaſt, within Twelve Months after taking up ſuch Lot, to be held of his Lordſhip, &c. to ſuch Taker-up and Builder, his Heirs and Aſſigns for ever, at and under the yearly Rent of One Farthing Current Money of this Province for each reſpective Lot, the Land being under old Rents; and One Half-penny for each Lot where the Land was taken up by new Rents: And the ſame or any other Building, or Manner of ſettling upon ſuch Lot, according to the Direction of this Act, ſhall inveſt the ſaid Taker-up and Builder upon ſuch Lot, his Heirs and Aſſigns, of a good indefeaſable Eſtate of Inheritance to him and his Heirs for ever, and ſhall bar the Owner or Owners, or any Perſon intereſted in the ſaid Land, whether living within or without the Province, and even the Lord Proprietary, his Heirs, &c. ſaving the Rents in this Act reſerved to his Lordſhip, &c. and the Tobacco to be paid by ſuch Builder and Taker-up as aforeſaid, to the Owner of the Land: And likewiſe upon Tender of Payment, and Refuſal to accept thereof, with Proof of ſuch Tender and Refuſal, ſuch Building as aforeſaid, ſhall be binding, to all Intents and Purpoſes, againſt the ſaid Parties, their Heirs, &c. ſo as aforeſaid refuſing, or others claiming any Title or Intereſt in the ſaid Lands and Grounds, and ſhall be full Authority to the ſaid Commiſſioners, or major Part of them, to cauſe the ſame to be converted to the Uſes and Purpoſes aforeſaid. (8.) The Commiſſioners to nominate a fit Perſon, to keep a Book to enter down their Proceedings, and each Perſon's Choice of any reſpective Lot, that thereby it may appear what Lots are taken up, and what remain undiſpoſed of. And in caſe of any Difference ariſing about taking up the ſaid Lots, or other Matter referring to the Execution of this Act, the Judgment of the Commiſſioners in each reſpective County to be final. (9.) In caſe the Takers-up of ſuch Lots refuſe or neglect to build thereon within the Time by this Act appointed, then may any other Perſon enter upon ſuch Lots not built upon, paying ſuch Sum of Tobacco, as was firſt ſet and aſſeſſed upon ſuch Lot, to the Commiſſioners, or other Perſon by them appointed thereto, for the public Uſe of ſuch Town, wherein ſuch Lots ſhall be taken up the ſecond Time: Provided ſuch ſecond Taker-up ſhall build and finiſh, within one Year after ſuch his Entry made, ſuch Houſe as is in this Act before limited and appointed to be built by the firſt Taker-up; Which Houſe ſo built, ſhall give and ſettle as good Eſtate, to all Intents and Purpoſes, to ſuch ſecond Taker-up, as is by this Act ſettled upon the firſt Taker-up and Builder, ſubject to the ſame Rents, &c. (10.) In caſe any Lots be neglected to be taken up during Seven Years after Publication of this Act, then ſhall the Owners of the Land be poſſeſſed and intereſted in ſuch Lots, as in their firſt or former Eſtate. (11.) Nothing in this Act ſhall oblige any Perſons whatſoever, their Heirs or Aſſigns, that formerly have taken up and built upon any Lots in the Ports, Towns, or Places aforeſaid, by virtue of any former Law, to take up ſuch Lots anew, but they, their Heirs or Aſſigns, may have, hold and enjoy the ſame, as if this Act had never been made. CHAP. XIV.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, on the 26th Day of *March*, and ended the 15th *April*, in the 6th Year of the Reign of our Sovereign Lady ANNE, Queen of *England*, &c. *Annoq; Domini* 1707, were enacted the following Laws. 1707.

JOHN SEYMOUR, Eſq; Governor.

CHAP. I.

An Act for the Attainder of Richard Clarke, *of* Ann-Arundel *County*. *Lib.* LL. N° 3. *fol.* 273. Paſſed 15th *April* 1707.

N. B. The Act ſets forth, that the ſaid *Richard Clarke* having obſtinately refuſed to ſurrender himſelf to Juſtice, &c. (ſee the Act of 1705, *ch.* 5.) and charges him with various treaſonable and ſeditious Practices and Intentions, forging of Dollars, &c. The ſaid *Richard Clarke* is therefore hereby convicted and attainted of High Treaſon, ſhall ſuffer Death, &c.

CHAP. II.

Passed 15th *April* 1707.

An Act to prevent the Abuſe of breaking open, and concealing, public and private Letters. *Lib.* LL. N° 3. *fol.* 275. REP. 1713, *ch.* 2.

A new Act made 1713, *ch.* 2.

CHAP. III.

Ditto.

An Act for the Relief of * Thomas Manning, *of* Calvert *County.* *Lib.* LL. N° 3. *fol.* 279. *PR.*

* A Priſoner for Debt. A Supplementary Act 1720, *ch.* 23.

CHAP. IV.

Ditto.

An ACT againſt Forging and Counterfeiting of Foreign Coins, Gold or Silver. *Lib.* LL. N° 3. *fol.* 281.

Preamble.

FORASMUCH as divers evil diſpoſed Perſons, have of late forged and counterfeited ſeveral Foreign Coins, commonly received amongſt her Majeſty's Subjects of this Province for Current in Payment, to the great Damage of her Majeſty's ſaid Subjects, being thereunto encouraged for that there has not heretofore been any condign Puniſhment by Law provided for ſuch Offenders; wherefore, and in Order to deter ſuch like Offenders for the Future, from ſuch evil and pernicious Practices;

Perſons counterfeiting foreign Gold or Silver Coins, and their aiders and Abettors, For the firſt Offence, to be whipped, pillored, and cropped; For the 2d Offence, to be branded and baniſhed.

II. **Be it Enacted,** *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly, and the Authority of the ſame,* That if any Perſon or Perſons, after the Publication of this Act, falſely forge, counterfeit, or * clip, any ſuch kind of Coin, of Gold, or Silver, as is not the proper Coin of the Kingdom of *England*; or ſhall aid, aſſiſt, or abett any Offender or Offenders doing the ſame, either by concealing them, or by any other Ways or Means countenance ſuch Offenders in their ſaid Offences; every ſuch Offender, his Aiders, Abettors and Countenancers therein, for the firſt Offence ſhall be whipped, pillored, and cropped in both Ears: And for the ſecond Offence, ſhall be Branded on the Cheek and Baniſhed, upon due Conviction in any of her Majeſty's Courts of Record within this Province.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* Such Part of this Act as relates to clipping, is repealed by 1729, *ch.* 2.

CHAP. V.

Paſſed 15th *April* 1707.

An ACT for preventing the Exportation of Tobacco out of this Province by Land, before the Duties payable be paid, or well ſecured, to the ſeveral Officers appointed, or to be appointed for receiving the ſame. *Lib.* LL. N° 3. *fol.* 282.

Preamble.

WHEREAS, for ſome Years paſt, it has been a frequent Practice by ſeveral Merchants, and other Inhabitants, as well of this Province, as of the Province of *Penſylvania,* and the Territories thereunto belonging, to export by Land, from the upper Parts of this Province, into *Penſylvania,* and the Territories thereof, great Quantities of Tobacco, without paying, or ſecuring to be paid, the Duties and Cuſtoms due thereon by the Statutes of *England* and the Laws of this Province, to the great Prejudice of her Majeſty, and the ſeveral Perſons intereſted in the ſaid Duties, and the Trade of this Province: For Prevention whereof, for the future;

II. **Be it Enacted,** *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That from and after the Publication hereof, all Planters, Merchants, Factors, and others, having Property for Diſpoſal of any Tobaccoes in the upper Parts of this Province, and who ſhall permit,

permit, suffer or connive at carrying the same out of their Houses, Custody or Possession, in order to be Rolled or Carted over Land into the Province of *Pensylvania*, or Territories thereunto belonging, before such Person, intending to carry away the same, produce unto such Planter, Factor or Merchant, having the Property or Disposal thereof, an authentic Certificate under the Hand and Seal of the Officer or Officers of the District, importing the Place where the Tobacco lies, and of whom the same was bought, and that all the Duties payable, upon the Exportation of Tobacco out of one Plantation into another, are answered unto such Officer or Officers; such Person so permitting, suffering or conniving at the Carting or Rolling such Tobacco, and the Owner, Purchaser, Person Rolling or Carting, and their Assisters and Abettors, or any of them, shall, for every Hogshead, or for every Four Hundred Pounds of Tobacco so carried, or designed to be carried as aforesaid, and *pro rate* for a greater or lesser Quantity, forfeit the Sum of Ten Pounds Sterling; one Half thereof to him, her, or those that shall inform or sue for the same, the other Half to her Majesty, for Support of Government; to be recovered in any of the Courts of Record within this Province, having Jurisdiction of the Sum forfeited, by Bill, Plaint, Action of Debt, or Information, wherein no Essoin, Protection, or Wager of Law, to be allowed.

CHAP. V. Persons transporting, &c. Tobacco by Land into *Pensylvania*, before Duty paid, &c. forfeit 10 *l.* Sterling per Hogshead.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

An Act for suspending, during the Queen's Pleasure, the Prosecution of the Priests of the Romish *Communion, incurring the Penalties of the* * *Act to prevent the Growth of Popery in this Province, by exercising their Function in a private Family of the* Roman *Communion, but in no other Case whatsoever. Lib.* LL. N° 3. *fol.* 284. *OBS.* Passed 15th *April* 1707.

* 1704, *ch.* 59, which is *REP.* 1718, *ch.* 4.

CHAP. VII.

An Act confirming the Last Will and Testament of Thomas Knighton, *late of* Ann-Arundel *County, deceased. Lib.* LL. N° 3. *fol.* 287. *PR.* Ditto.

CHAP. VIII.

An Act for removing of Thomas Howel, *now lying under Execution for Debt, in the Custody of the Sheriff of* Cæcil *County, into the Custody of the Sheriff of* Kent *County. Lib.* LL. N° 3. *fol.* 288. *PR.* Ditto.

Occasioned by the late Division of those Counties, whereby this *Howel* became an Inhabitant of *Kent* County.

CHAP. IX.

An Act for recording in the Commissary-General's Office, several Copies of Wills, and Inventories, and other Proceedings of the late Deputy-Commissary of Dorchester *County. Lib.* LL. N° 3. *fol.* 291. *PR.* Ditto.

N. B. Humphrey Hubbard, Deputy-Commissary, having taken the Probat of several Wills, Inventories of Estates, and Accounts of Executors and Administrators, which he (carrying over the Bay to the Commissary-General's Office) lost, by the accidental Burning of his Boat, and Papers therein. But having Copies of the same, which he affirmed by Oath to be true, they are by this Act to be Recorded, and taken and reputed as the Originals, &c.

CHAP. X.

An Act for Naturalization of John Francis Holland, *of* Baltimore *County. Lib.* LL. N° 3. *fol.* 293. *PR.* Ditto.

CHAP. XI.

An Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees. Lib. LL. N° 3. *fol.* 295. *EXP.* Ditto.

This Act was to endure so long as the Original Act of 1704, *ch.* 86, should remain in Force; and expired, together with the said Act, the 10th *May* 1718.

CHAP. XII.

An Act giving Power to the Farmers of the Lord Baltimore's *Rents, to recover the Arrears thereof, after Expiration of their Lease. Lib.* LL. N° 3. *fol.* 296. *PR.* Ditto.

The Lease was to *Richard Bennett* and *James Heath*, Esqrs. for 8 Years; which was to expire the 1st *August*, 1707.

CHAP.

CHAP. XIII.

Passed 15th *April* 1707. *An Act repealing an Act, entitled,* * *An Act to prohibit the Exportation of* European *Commodities out of this Province. Lib.* LL. N° 3. *fol.* 300.

* 1706, *ch.* 10.

CHAP. XIV.

Ditto. *An Act to* † *continue to the Sheriffs of* Talbot, Kent, *and* Cæcil *Counties, Power of Execution for Public Dues, and Officers Fees, within the present Bounds of their several Counties, after the First of* May *next, 'til the Last of* June *next after, or until their several Commissions expire, which shall first happen. Lib.* LL. N° 3. *fol.* 300. EXP.

† On Account of the Division of these Counties, by the Act of 1706, *ch.* 3, which was to take place on the 1st *May* 1707.

CHAP. XV.

Ditto. *An Act to prevent cropping, cutting and defacing Tobacco taken on board Ships and Vessels upon Freight. Lib.* LL. N° 3. *fol.* 302. DISSENT.

To continue for 3 Years, and to the End of the next Session of Assembly. A new Law made 1711, *ch.* 5. Her Majesty's Dissent is dated at *St. James's* the 1st *April* 1708.

CHAP. XVI.

Ditto. ‖1706, *ch.* 14. *A Supplementary Act to the* ‖ *Act for Advancement of Trade, and Erecting Ports and Towns. Lib.* LL. N° 3. *fol.* 305. DISSENT.

This being one of the Acts recited 1715, *ch.* 2, the following Extract from it, relating to the Acquisition of Property, and the Limits of the several Ports, may be thought proper and expedient.

(1.) Some of the Towns being not laid out in the Time prescribed by the original Act; and divers Inhabitants of this Province having petitioned to have the said Towns Revived, and others Erected; the several Commissioners in the said Act nominated (except where other Commissioners are by this Act appointed) are impowered to purchase, *&c.* the several Lands hereafter mentioned for Towns, according to the same Rules and Directions as in the said original Act, *viz.*

LIST of TOWNS to be REVIVED, ERECTED, *or* DESERTED.

Charles County:
- *Benedict-Leonard-Town.* REVIVED.
- 100 Acres of Land on the upper Side of *Nanjemye* Creek, on *Patowmack* River, upon Part of the Land, now or late in Possession of *Martin Campbel*, and the Land adjoining thereto. *To be* ERECTED *into a Town.*

Somerset County:
- 100 Acres of Land at a Place called *Half-round-Hill*, on the South Side of *Wiccomoco* River. *To be* ERECTED *into a Town.*

Pr. George's County:
- A Town to be Erected on the South Side of *Piscattaway* Creek, at or near the Head thereof, to contain 40 or 50 Acres, at the Discretion of the Commissioners.
- 3 Acres of Land whereon *George Harris*, Mercht. hath built Dwelling-houses, and Store-houses, from henceforth to be adjudged Part of *Nottingham-Town*, within the said County, whereunto it adjoins; and to enjoy all Privileges, *&c.* to the said Town belonging.

Kent County:
- The Place for the Town and Port, by the said Act Erected upon *Chester* River. *To be* DESERTED. And in lieu thereof, the said Port and Town, with the Court-house of the said County, shall be built where the Commissioners have purchased Land for the same.
- The Place appointed for *Shrewsbury* Town, on *Sassafras* River, by the said Act. *To be also* DESERTED. And to be laid out where the Commissioners have purchased Land for the same.

Cæcil County:
- The Place by the said Act appointed for a Town on *Price's-Neck* in *Elk* River, where the Court-house of the said County shall be built, *&c.* REVIVED.
- And also 50 Acres more, to be laid out for a Town, on the Plantation formerly belonging to *Isaac Calk*, near the Head of *Sassafras* River.

Queen-Anne's County:
- The Place appointed for a Town on the Land of *Robert Smith*, Esq; *To be* DESERTED. And, in lieu thereof, 100 Acres on Major *John Hawkins's* Plantation in *Coursey's* Creek, and the Lands adjoining, *To be* ERECTED *into a Town*; and the Court-house to be built there.
- 100 Acres, at the Plantation of Mr. *William Swettenham*, in *Courseval* Creek, in *Chester* River. *To be* ERECTED *into a Town.*

Dorchester County:
- 100 Acres to be Erected and laid out for a Town, on a Point called *Philips's-Point*, on the North Side of *Fishing-Creek*, in *Hunger* River.
- And the Town called *Little Yarmouth*, in *Transquakin* River. *To be* DESERTED.

* *Baltimore* County:
- The Place appointed for a Town, on *Gunpowder* River, on the Land called *Forster's-Neck*. *To be* DESERTED. And in lieu thereof, 50 Acres to be erected into a Town on a Tract of Land on the same River, belonging to *Anne Felks*, and called *Taylor's Choice*, and the Court-house to be built there.

* See this Situation of the Court-house, and the County Property therein confirmed, 1712, *ch.* 19.

Ann-

Ann-Arundel County, {
The Town allotted to be laid out at *Herring-Creek*, to contain 50 Acres, and no more.
The Town and Port of *Annapolis*, with the Town of *West-River*, (which said Town of *West-River* shall contain but 50 Acres) not being as yet laid out according to the Directions of the said recited Act, shall be laid out at the Places aforesaid, pursuant to those Directions, by the Time by this Act appointed.
50 Acres at a Place upon *Patuxent* River called *Pig-Point*. *To be* ERECTED *into a Town*. And also,
50 Acres more upon the North Branch of the said River, opposite to *Q. Anne*'s Town, in *Pr. George*'s County. *To be* ERECTED *into a Town*.
}

CHAP. XVI.

Which said Towns and Ports shall be laid out, *&c.* according to the Discretion of the Commissioners in this Act, for that Purpose, named, with the same Powers as the former. (2.) Lots taken up in the Town and Port of *Annapolis*, since the making of the said recited Act, shall not give any Right to such Takers-up; but such Lots, so taken up, shall be free to be taken up again, *&c.* as if the same had never been taken up. (3.) The Town and Port of *Oxford*, in *Talbot* County, shall, on or before the 1st *September* next, be, by the Commissioners appointed in the original Act, surveyed and laid out according to the former Plat, and when so laid out, the Commissioners, according to their Discretion, shall leave out 24 from the 124 Acres therein contained by the first laying out, and the Lots remaining within the 100 Acres only, shall be adjudged the Town and Port of *Oxford*, although the same do not contain 100 Lots; to the End that the Lots already taken up and built upon, may not be altered or lessened. (4.) Any Person that hath taken, or shall take up, Lots within any Towns laid out by virtue of the said recited Act, and building one good House, containing 400 square Feet of Ground, besides Sheds, on every Lot, on or before the 1st *September* 1708, shall have, hold and enjoy, to him and his Heirs for ever, a good Estate of Inheritance in Fee-simple, of, in, and to the said Lots so built upon, with all Rights, *&c.* as if the same had been built upon within the Time appointed by the said recited Act. (5.) If any other Towns, by the said Act appointed (more than what is expressed in this Act) have not as yet been laid out accordingly, the Commissioners of the several Counties in that Act appointed, shall have the same Power and Authority to purchase, *&c.* the several Pieces of Land appointed for Towns as aforesaid, in as full and ample Manners as they had by virtue of the said Act; provided such Towns be laid out by the 1st Day of *September* 1707. (6.) All the Towns, Rivers, Creeks and Coves in *Talbot* County, and the Towns, Rivers, Creeks and Coves in *Great Choptank*, and *Little Choptank*, in *Dorchester* County, and *Kent-Island* in *Queen-Anne*'s County, shall be deemed and taken to be Members of the Port of *Oxford*. (7.) All the Towns, Rivers, Creeks and Coves in *Cæcil*, *Kent*, and *Queen-Anne*'s County (except *Kent-Island*) to be Members of the Port of *Chester-Town*, in *Chester* River. (8.) All the Towns, Rivers, Creeks and Coves in *Somerset* County, and the remaining Part of *Dorchester* County, to be Members of the Port of *Green-Hill*, in *Wicocomoco* River. (9.) All the Towns, on both Sides of *Patuxent* River, adjoining to, or near the River, with the Rivers, Creeks and Coves thereof, to be Members of Port *St. George*, at *Beckwith*'s Island, on *Patuxent* River. (10.) All the Towns in *Baltimore* and *Ann-Arundel* Counties, with the Rivers, Creeks and Coves thereto belonging (saving on *Patexent* River) to be Members of the Port of *Annapolis*. (11.) All the Towns in *Patowmack* River, with the Rivers, Creeks and Coves thereto belonging, to be Members of the Port of *St. Mary*'s, in *Patowmack* River. (12.) All Commanders of Ships or Vessels, after their Arrival in this Province, shall enter their Ships with the Naval Officers and Collectors of the several Districts where they design to ride and unload, and not with the Officers of another District. (13.) The several County Surveyors, employed to lay out and divide any Town Lands, shall deliver to the Commissioners of the respective Towns, a fair Plat of each Town, with the Course and Distance, and Quantity of Land contained in every particular Lot, Street, Lane and Alley, fairly drawn upon Parchment, to be kept as a Record for the Bounds of such Towns. (14.) Persons taking up Lots in any Port or Town of this Province, and having Right to dispose thereof, if they shall sell or dispose of the same, or any Part thereof, such Sale shall be entered in the Town Register, by the Town Clerk, who shall make Certificate of such Sale expressing the Consideration, with the Metes and Bounds, from whom and to whom, which Certificate being delivered by the Vendee, to the Clerk of the County-Court, shall be by him recorded; and such Entry, Certificate, and Record thereof in the County-Court, shall give to such Vendee, his Heirs, *&c.* a good Estate, according to the Tenor of such Certificate of Bargain and Sale, and bar the Vendor, *&c.* in as full and ample Manner as if such Bargain and Sale had been made by Deed Indented, Acknowledged and Recorded, *&c.*

CHAP. XVII.

An Act for Relief of Debtors, and ascertaining the Manner of Tenders in Tobacco. Lib. LL. N° 3. *fol.* 322. *EXP.* Passed 15th *April* 1707.

To contiuue for 3 Years. Revived 1710, *ch.* 15. A new Law made 1713, *ch.* 3.

CHAP. XVIII.

An Act for the Killing of Wolves and Crows. Lib. LL. N° 3. *fol.* 326. *EXP.* Ditto.

To continue for 3 Years. Revived 1710, *ch.* 14. A new Law made 1713, *ch.* 13.

CHAP. XIX.

An Act reviving a certain Act of Assembly of this Province, entitled, An Act prohibiting the Importation of Bread, Beer, Flour, Wheat, or other English *or* Indian *Grain, or Meal, Horses, Mares, Colts or Fillies from* Pensylvania, *and the Territories thereto belonging; made at a Session of Assembly begun and held at the Port of* Annapolis, *the Fifth Day of* September 1704. *Lib.* LL. N° 3. *fol.* 328. *EXP.* Ditto.

To continue 3 Years, *&c.* The original Act of 1704, *ch.* 43, was repealed 1715, *ch.* 49; and 1719, *ch.* 16.

CHAP.

CHAP. XX.

Passed 15th *April* 1707. *An Act reviving an* * *Act for ſpeedy conveying Public Letters and Packets of this Province, and defraying the Charge thereof; made at a Seſſion of Aſſembly, begun and held at the Port of* Annapolis, *the Fifth Day of* September 1704. *Lib.* LL. N° 3. *fol.* 328. *EXP.*

* 1704, *ch.* 45, hereby continued for 3 Years.

CHAP. XXI.

Ditto. *An Act reviving a certain Act of Aſſembly of this Province, entitled,* † *An Act of Directions for the Sheriff's Office in this Province, and for the more eaſy Payment of the Public and County Levy; made at a Seſſion of Aſſembly, begun and held at the Port of* Annapolis, *the Fifth Day of* September 1704. *Lib.* LL. N° 3. *fol.* 329. *EXP.*

† 1704, *ch.* 15, hereby continued for 3 Years.

CHAP. XXII.

Ditto. *An Act appointing Court Days in* Queen-Anne's *County. Lib.* LL. N° 3. *fol.* 330. *OBS.*

Altered 1708, *ch.* 12, which laſt is repealed by the new Law of 1715, *ch.* 14.

CHAP. XXIII.

Ditto. An ACT requiring the Agents of the Lord *Baltimore* to certify into the Secretary's Office, the Inſtructions and Conditions of Plantations, with the Fees by them demanded; and obliging his Lordſhip's Deputy-Surveyors to qualify themſelves according to Law. *Lib.* LL. N° 3. *fol.* 331.

Lord *Baltimore*'s Agents to hang up in the Secretary's Office, his Lordſhip's Inſtructions, *&c.* the 14th *May* next.

BE it Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Lord *Baltimore*'s Agents for Granting Lands in this Province, on or before the Fourteenth Day of *May* next, ſhall make, certify, and hang up, in the Secretary's Office, all ſuch Inſtructions that the ſaid Officers or Agents of the ſaid Right Honourable the Lord Proprietary of this Province have from his Lordſhip, that concern the People of this Province, and all the preſent Condition or Conditions of Plantations; that all People may ſee and know by what Authority they act.

And alſo prepare Liſts of Fees, *&c.*

II. And that they likewiſe prepare a Liſt of what Fees they require for ſeveral Services by them done, or to be done; which Fees ſhall be conſidered of by two of her Majeſty's Council, and by two or more Juſtices of the Provincial Court, which Fees the ſaid Councillors and Juſtices may leſſen as they ſee fit, and be allowed under the Hands of ſuch Councillors and Juſtices, or elſe it ſhall not be lawful for ſuch his Lordſhip's Officers, Miniſters, Agents, or Clerks, to demand and receive them. But when ſuch Fees ſhall be allowed and approved on as aforeſaid, and ſuch Officers, Agents, Miniſters and Clerks, having made Oath of ſuch Services done, by which ſuch Fees accrue, may have their Fees levied by Way of Execution, as other Officers and Clerks have, till the next Seſſion of Aſſembly; and then ſuch Fees ſhall by the Aſſembly be allowed or denied, or altered or leſſened, as the Aſſembly ſhall think fit.

Such Agents refuſing or neglecting, forfeit 20 *l.* Sterling.

III. And if the ſaid Agents and Officers refuſe to make, hang up, and publiſh ſuch Inſtructions, Conditions, and Liſts of Fees as aforeſaid, within the Time limited as aforeſaid, he or they ſhall forfeit to her Majeſty, for his or their Neglect and Contempt, the Sum of Twenty Pounds Sterling Money; one Half to her Majeſty, for Support of Government, the other Half to him or them that will ſue for the ſame, by Action of Debt, in her Majeſty's Provincial Court, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

IV. And

CHAP. XXIII.

His Lordship's Surveyors, presuming to survey Lands before taking the Oaths to the Government, and an Oath of Office, forfeit 100 *l.* Sterling.

IV. **And be it further Enacted,** *by the Authority, Advice, and Consent aforesaid,* That if any Surveyor whatsoever, already appointed and commissionated, or hereafter to be appointed and commissionated by the said Lord Proprietary, his Agents, or any other Person, who may be by his said Lordship impowered so to do, shall, after the End of this present Session of Assembly, presume, by virtue of any Warrant from his Lordship's Land-Office, or otherwise, to measure or survey any Lands, for, or belonging to any Person whatsoever, before such Surveyor or Surveyors shall first duly qualify him or themselves, by taking the Oaths appointed by Act of Parliament, for their Fidelity to the Crown of *England*, and maintaining the Succession thereto, as by Law established, and also an Oath for the faithful Execution of his or their Offices, to be administered to them in the respective County Courts where they shall officiate, or by some one Justice of the Provincial Court, such Surveyor or Surveyors shall forfeit One Hundred Pounds Sterling to her Majesty; the one Half whereof for the Support of Government, the other Half to such Person who shall inform, or sue for the same, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law, to be allowed.

Duration of this Act.

V. This Act to endure for, and until her most sacred Majesty's Pleasure shall farther be declared in Council thereon, where the Lord *Baltimore* may be heard.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

An Act to impower certain Persons, therein named, to assess and apportion the Public Levy of this Province for this present Year of our Lord One Thousand Seven Hundred and Seven. Lib. LL. N° 3. *fol.* 333. *OBS.*

Passed 15th *April* 1707.

At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 29th Day of *November*, and ended the 17th Day of *December*, in the 7th Year of the Reign of our Sovereign Lady Queen ANNE, of *Great-Britain*, *France* and *Ireland*, and the Dominions and Territories thereto belonging, Defender of the Faith, &c. *Annoq; Domini* 1708, were Enacted the Laws following.

1708.

JOHN SEYMOUR, Esq; Governor.

CHAP. I.

An Act for Relief of poor Debtors, and languishing Prisoners. Lib. LL. N° 3. *fol.* 337. *EXP.*

Passed 17th *Dec.* 1708.

To endure for 3 Years, &c. but was suspended 1709, *ch.* 9, and never revived.

CHAP. II.

An Act impowering Trustees to sell several Parcels of Land, late the Estate and Inheritance of Thomas Stirling, *deceased; for Redemption of a Mortgage made by him to* John Hyde, *of* London, *Merchant; for the Benefit of* Christian Stirling, *a Minor. Lib.* LL. N° 3. *fol.* 343. *PR.*

Ditto.

CHAP. III.

An Additional Act to the Supplementary Act for Advancement of Trade, and Erecting Ports and Towns in this Province; and for Sale of some Public Lands and Buildings in the Town of St. Mary's, *in* St. Mary's *County. Lib* LL. N° 3. *fol.* 347. *DISSENT.*

Ditto.

N. B. This

CHAP. III.

N. B. This Act, though Diſallowed by her Majeſty, is referred to in 1715, *ch.* 32; and is therefore abridged as followeth:

(1.) Commiſſioners are appointed, and impowered to purchaſe and lay out the ſeveral Lands herein after mentioned for Towns, according to the Rules and Directions of 1706, *ch.* 14, *viz.*

Somerſet County, 50 Acres in *Senepuxent* Neck, on the Land of *John Walton*.

Queen-Anne's County, 50 Acres at the Mouth of *Tuckahoe* Creek, on the Land of Colonel *Nicholas Lowe*.

Kent County, 50 Acres at *Cheſter* Ferry, at or near the Place where the old Court-houſe ſtood.

St. Mary's County, 50 Acres at *Sheppard's* Old Fields, near the Head of *Britton's* Bay, on the Land of *Philip Lynes*, Eſq;

Each Town to be laid out and divided into 100 Lots, at the Diſcretion of the Commiſſioners. (2.) The County Court, for *St. Mary's* County, to be held and kept for the future, at the Town to be Erected in *Sheppard's* Old Fields as aforeſaid, and the Court-houſe to be built there. (3.) If any Perſons who have taken up Lots, and made any Improvements thereon, in any Town in this Province, and have paid for the ſame, by virtue of the ſaid Acts of Trade; ſuch Perſon ſo taking up the ſame, *&c.* on erecting and finiſhing one good Houſe, to contain 400 ſquare Feet without Sheds, at or before the laſt Day of *November* 1709, ſhall, by virtue thereof, have, hold and enjoy to them, and their Heirs for ever, a good Eſtate of Inheritance, in Fee-ſimple, of, in and to the ſaid Lots ſo built, or to be built upon as aforeſaid, with all Rights and Privileges thereto belonging, in as ample Manner, *&c.* as if the ſaid Lots had been built upon within the Time appointed by the Acts of 1706, *ch.* 14, and 1707, *ch.* 16, or any Act, *&c.* (4.) The Commiſſioners by this Law appointed for *St. Mary's* County, to lay out a Town therein, are impowered to expoſe to Sale the Public Buildings, and Lands thereto belonging, in the Town of *St. Mary's*, and to render an Account of the Produce to the next Seſſion of Aſſembly, to be appropriated to the Uſe of the Public.

CHAP. IV.

Paſſed 17th *Dec.* 1708.

An ACT for ſettling the Rates of foreign Silver Coins, within this Province. *Lib.* LL. N.° 3. *fol.* 351.

Preamble, reciting the Queen's Proclamation of 18th *June*, 1704,

WHEREAS her Majeſty, having had under Conſideration the different Rates at which ſeveral Species of foreign Coins do paſs in her ſeveral Plantations, and the Inconveniencies thereof, by the indirect Practice of Drawing the Money from one Plantation to another, did iſſue her Royal Proclamation, bearing Date the Eighteenth Day of *June* 1704, for ſettling and aſcertaining the current Rate of foreign Coins in her ſaid Plantations, at Rates therein limited: And it being obſerved, that the ſaid Proclamation did not procure the deſired Effect, it was, in the Sixth Year of her preſent Majeſty's Reign, by the Parliament of *England* enacted, in an Act, entitled, *An Act for aſcertaining the Rates of Foreign Coins in her Majeſty's Plantations in* America, That no Perſon, after the Firſt Day of *May*, which ſhall be in the Year of our Lord 1709, account, receive or pay, any the ſeveral Species of foreign Silver Coin mentioned in the ſaid Proclamation, at any greater Rate than at which the ſame is thereby ſettled, without being ſubject to the Pains and Penalties therein mentioned, by which it is conceived, that her gracious Majeſty is deſirous to reſtrain our neighbouring Plantations, under Proprietors, from taking ſuch Advantages as they have hitherto practiſed againſt us, under her immediate Commiſſion and Government, in reſtraining them from advancing the Rates of Silver Coin, higher than in the ſaid Proclamation is allowed; and allowing us to come up to the ſaid Rates; it is humbly prayed that it may be enacted;

and the *Engliſh* Statute of 6 *Anne*.

From the 1ſt *May* 1709, the following Species of Silver Coins to paſs current in this Province at the Rates mentioned in the Table.

II. **And be it Enacted**, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That from and after the Firſt Day of *May*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Nine, the ſeveral Species of foreign Silver Coin, mentioned in the ſaid Proclamation, ſhall paſs and be current in this Province at the Rates therein mentioned, *(That is to ſay,)* A Piece of Eight of *Sevill*, *Pillar* and *Mexico*, weighing Seventeen Penny Half Penny Weight, and of Four Shillings and Six-pence intrinſic Value, ſhall paſs current at Six Shillings; and all other foreign Coin ſhall paſs proportionably thereto, according to their Weight and Fineneſs (as by the Table hereunto added is ſet forth) for the Diſcharge of any

any Contracts or Bargains made after the said First Day of *May* One Thousand Seven Hundred and Nine; and likewise shall pass in Payments of all Duties and Impositions which is for the defraying the Charges of this Province, and all Officers Fees which by the Laws are rated in Money. CHAP. IV.

III. **And** in regard there is at present little other Money in this Province, than the Dollars commonly called Dog-Dollars, and they being near such Weight and Fineness, as that they would, by the forementioned Proportion, pass at Four Shillings and Six-pence, and the Inhabitants of this Province being not so well acquainted with other foreign Coins, nor at present provided with Weights and Scales; it is humbly prayed that it may be Enacted, **And be it further Enacted,** *by the Authority aforesaid,* That the said Dog-Dollars, be current in all Payments as aforesaid, at Four Shillings and Six-pence, as usual, until such Time as her Majesty, her Heirs or Successors, or the General Assembly of this Province, shall otherwise Ordain and Enact. Dog-Dollars made current at 4 *s.* 6 *d.*

IV. **The Table** before mentioned:

Sevill, Pillar and *Mexico* Pieces of Eight, being Seventeen Pennyweight Twelve Grains, and Four Shillings and Six-pence intrinsic Value, to pass at Six Shillings; *Sevill* Pieces of Eight, new Plate, Fourteen Pennyweight, and Three Shillings Seven-pence intrinsic Value, to pass at Four Shillings and Nine-pence; *Peru* Pieces of Eight, Seventeen Pennyweight Twelve Grains, and Four Shillings Five-pence intrinsic Value, to pass at Five Shillings and Ten-pence; Cross-Dollars, Eighteen Pennyweight Four Grains, and Four Shillings Four Pence Three Farthings intrinsic Value, to pass at Five Shillings and Ten-pence; Ducatoons of *Flanders,* Twenty Pennyweight Twenty-one Grains, Five Shillings and Six-pence intrinsic Value, to pass at Seven Shillings and Four-pence; Ecûs of *France,* or Silver *Lewis,* Seventeen Pennyweight Twelve Grains, Four Shillings Six-pence intrinsic Value, to pass at Six Shillings; Crusadoes of *Portugal,* Eleven Pennyweight Four Grains, Two Shillings Ten-pence intrinsic Value, to pass at Three Shillings and Nine-pence; Three Gilder Pieces of *Holland,* Twenty Pennyweight Seven Grains, Five Shillings Two-pence intrinsic Value, to pass at Six Shillings and Eleven-pence; Old Rix-Dollars of the Empire, Eighteen Pennyweight Ten Grains, Four Shillings and Six-pence intrinsic Value, to pass at Six Shillings. The Half, Quarters, and other Parts, in proportion to the Denominations, and light Pieces in proportion to their Weight, and the Currency of all other Silver Coins of the same, or baser Alloy, shall, after the said first Day of *May* stand regulated, according to their Weight and Fineness, according and in proportion to the Rate before limited and set for Pieces of Eight of *Sevill, Pillar* and *Mexico.* The Half, Quarters, &c. to pass in Proportion.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

An Act directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies. *Lib.* LL. N° 3. *fol.* 354. *OBS.* Passed 17th *Dec.* 1708.

This Law, which repeals 1704, *ch.* 35, was superseded by 1715, *ch.* 42, which last was superseded by the present Act of 1716, *ch.* 11.

CHAP. VI.

An Act confirming the Title of a certain Tract of Land therein mentioned, to John Hyde, *of the City of* London, *Merchant; and also confirming unto the Heir at Law of* John Gandy, *late of the said City, Mariner, deceased, all other the Lands in this Province in the said Act mentioned.* *Lib.* LL. N° 3. *fol.* 358. *PR.* Ditto.

CHAP. VII.

An ACT confirming and explaining the Charter to the City of *Annapolis.* *Lib.* LL. N° 3. *fol.* 361. Ditto.

WHEREAS this present General Assembly have taken into their Consideration the Charter lately Granted to the City of *Annapolis,* and being desirous to give all due Encouragement to Cohabitation, Preamble.

CHAP. VII.

have Reſolved to confirm the ſame Charter, and to explain and reſtrain ſome Clauſes and Grants therein contained, they humbly pray that it may be Enacted;

The Charter dated 22d of *Nov.* 1708, confirmed.

II. **And it is hereby Enacted,** *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and by the Authority of the ſame,* That the ſaid Charter to the City of *Annapolis*, bearing Date at the ſaid City on the Twenty-ſecond Day of *November*, *Anno* 1708, in the Seventh Year of her Majeſty's Reign, Sealed with the Great Seal of this her Majeſty's Province, and ſigned with the Sign Manual of his Excellency *John Seymour*, Eſq; Captain-General and Governor in Chief thereof, Incorporating the Inhabitants of *Annapolis* into a City, and Body Corporate, and the ſeveral Articles, Clauſes, Grants, Powers, Authorities and Privileges therein contained, ſhall, by virtue of this Act, be held, taken, ſtand, remain, and be firm and valid to all Intents and Purpoſes whatſoever, within the ſame Charter mentioned and expreſſed, ſubject nevertheleſs to the ſeveral Reſtrictions and Explanations herein ſpecified and declared, *(That is to ſay,)* That it ſhall in no wiſe be intended, conſtrued, meant or taken, to infringe the Liberties and Privileges of the Public, either in regard to the Public Lands and Buildings by them heretofore purchaſed and built; but that the ſame ſhall be reſerved and continued for ever, to the Uſes and Purpoſes to which they have already been allotted: And that all and every the Judges and Juſtices of the ſeveral Courts of Judicature which have uſually held their Courts within the ſame City, in the public Court-houſe thereof, ſhall and may continue ſo to do; and the Juſtices, Commiſſioners and Sheriff of *Ann-Arundel* County ſhall have, hold and exerciſe their Juriſdiction, in as full and ample Manner, to all Intents and Purpoſes, in the Port of *Annapolis*, as heretofore had been uſual.

The public Lands and Buildings to remain to the Uſes they have been allotted to.

The Judges, *&c.* to hold their Courts as uſual, and the County Magiſtrates, *&c.* of *Ann-Arundel* County, to exerciſe their uſual Juriſdiction in the Port of *Annapolis*.

Bye-Laws, to be reſtrained to the Inhabitants and Reſidents of the City.

What Toll ſhall be taken at the Two Fairs.

III. **And be it further Enacted and Declared,** That the Bye-Laws to be made by the ſaid Corporation, ſhall not affect or be binding to any other the Inhabitants of this Province, but wholly reſtrained to the Inhabitants and Reſidents of the ſaid City; and that the Clauſe in the ſaid Charter, impowering the Corporation to ſet Toll on Horſes, Cattle, and other Commodities, to be ſold on the Two Fair Days, of the Firſt of *May*, and of *St. Michael* the Arch-Angel, yearly, ſhall not in any wiſe enure, be conſtrued or extended, to impowering the Corporation to aſſeſs any Toll or Impoſt upon Cattle, Goods, Wares or Merchandizes whatſoever, to be ſold therein, if the Goods, Wares or Merchandizes ſhould not amount to the Value of Twenty Shillings Current Money; but if it exceed Twenty Shillings Value, and not above Five Pounds Current Money, then the Sum of Six-pence ſhall be paid for the Fee or Toll thereof; and for all Goods, *&c.* exceeding in Value Five Pounds Current Money, then it ſhall be lawful to aſſeſs the Sum of Twelve Pence Current Money for the Fee or Toll thereof, and no more.

The Repreſentatives of the City, to be allowed only half Wages.

IV. **And whereas** the Citizens and Burgeſſes of the ſeveral Boroughs in *England* have formerly been allowed but half Wages, in reſpect to the Salary of the Knights of the Shires; **Be it therefore Enacted,** That the Citizens, repreſenting the City of *Annapolis*, ſhall only be allowed Half the Wages to the Delegates and Repreſentatives, as is and ſhall be allowed to the Delegates of the ſeveral Counties of this Province, and no more.

Wornell Hunt, Eſq; qualified to ſerve as Recorder.

V. **And whereas** *Wornell Hunt*, Eſq; the preſent Recorder of the ſaid City, is not yet qualified for that Truſt, by reaſon he hath not been reſident in this Province during the Term of Three Years; nevertheleſs the ſaid *Wornell Hunt*, by virtue of this Act, ſhall be deemed, and is hereby qualified and enabled to hold and execute the ſaid Office of Recorder of the City aforeſaid, any Law, Statute, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

VI. And

VI. And be it Enacted, *by the Advice and Consent aforesaid*, That the Land called the Town-Common, be reserved and remain to the Use of the proper Owner or Owners, unless the Citizens can make it appear to have made Satisfaction for the same, the next Session of Assembly. CHAP. VII. Town-Common, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

An Act ascertaining Fees to the Attorneys and Practitioners of the Law in the Courts of this Province, and for levying of the same by Way of Execution. *Lib.* LL. N° 3. *fol.* 364. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Passed 17th *Dec.* 1708.

To endure for 3 Years, &c. continued 1712, *ch.* 18, for 3 Years, &c. A Clause in this Law was repealed 1709, *ch.* 14. A new Act made 1715, *ch.* 48.

CHAP. IX.

An Act for Payment and Assessment of the public Charge of this Province, and giving Time to the Sheriffs to demand public Dues till the first of March *this present Year* 1708. *Lib.* LL. N° 3. *fol.* 367. *QBS.* Ditto.

CHAP. X.

An Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange. *Lib.* LL. N° 3. *fol.* 369. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

A new Law made 1715, *ch.* 7.

CHAP. XI.

An Act impowering certain Trustees to sell a Tract of Land in Talbot *County, called* Frankford St. Michael's, *late the Estate and Inheritance of* William Harris, *late of* Calvert *County; and with the Money thereby arising to purchase other Lands for the Use of* Joseph Harris *and* Benjamin Harris, *Sons of the said* William Harris, *and the Heirs of their Bodies; according to the Direction of the Last Will and Testament of the said* William Harris. *Lib.* LL. N° 3. *fol.* 370. *PR.* Ditto.

A Supplementary Act 1725, *ch.* 19.

CHAP. XII.

An Act for appointing Court Days in each respective County within this Province. *Lib.* LL. N° 3. *fol.* 373. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16. Ditto.

This Law repeals the Act of 1704, *ch.* 63. A new Law made 1715, *ch.* 14, which also repeals this Act.

CHAP. XIII.

An Act for confirming and making valid the Last Will and Testament of Col. John Contee. *Lib.* LL. N° 3. *fol.* 374. *PR.* *REP.* 1725, *ch.* 21. Ditto.

CHAP. XIV.

An Act for Naturalization of Benjamin Daffour, *of* Ann-Arundel *County, Planter*; Justus Englehead Kitchin; *of the same, Planter*; *and* James Robert, *of* Calvert *County, Planter*. *Lib.* LL. N° 3. *fol.* 376. *PR.* Ditto.

CHAP. XV.

An Act reviving an Act of Assembly of this Province, entitled, * *An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof; made at a Session of Assembly, begun and held at the Port of* Annapolis, December *the 6th,* Anno Domini 1704. *Lib.* LL. N° 3. *fol.* 377. *EXP.* Ditto.

* 1704, *ch.* 87, hereby continued to the End of the next Session of Assembly.

CHAP. XVI.

An Act reviving an Act of Assembly of this Province, entitled, † *An Act imposing Three Pence per Gallon on Rum and Wine, Brandy and Spirits, and Twenty Shillings per Poll for Negroes, for raising a Supply to defray the Public Charge of this Province, and Twenty Shillings per Poll on* Irish *Servants, to prevent the importing too great a Number of* Irish *Papists into this Province; made at a Session of Assembly begun and held at the Port of* Annapolis, December *the 5th,* Anno Domini 1704. *Lib.* LL. N° 3. *fol.* 377. *EXP.* Ditto.

† 1704, *ch.* 33, hereby continued 3 Years, &c. *N. B.* There is a Mistake in the Recital of this Act, which was made at the Session begun the 5th *September* 1704, and passed the 3d *October* following.

CHAP.

C H A P. XVII.

Passed 17th Dec. 1708. *An Act reviving an Act of Assembly of this Province, entitled,* * *An Act laying an Imposition of Three Pence per Hogshead on Tobacco, for defraying the Public Charge of the Province; made at a Session of Assembly begun and held at the Port of* Annapolis, December *the 5th,* Anno 1704. *Lib.* LL. N° 3. *fol.* 378. *EXP.*

* 1704, *ch.* 64, hereby continued 3 Years, *&c.* There is the same mis-recital here as in the foregoing.

C H A P. XVIII.

Ditto. *An Act for reviving a certain* † *Act of Assembly of this Province ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province. Lib.* LL. N° 3. *fol.* 379. *EXP.*

† 1704. *ch.* 41, hereby continued 3 Years, *&c.*

C H A P. XIX.

Ditto. *An Act reviving an Act of Assembly of this Province, entitled,* ‖ *An Act for Limitation of Officers Fees; made at a Session of Assembly begun and held at the Port of* Annapolis, December *the 5th,* Anno Domini 1704. *Lib.* LL. N° 3. *fol.* 380. *EXP.*

‖ 1704, *ch.* 86, hereby continued to the End of the next Session of Assembly.

C H A P. XX.

Ditto. *An Act reviving an Act of Assembly of this Province, entitled,* ‡ *An Act for Encouragement of Tillage, and Relief of poor Debtors; made at an Assembly begun and held at the Port of* Annapolis, *the 5th Day of* September 1704. *Lib.* LL. N° 3. *fol.* 381. *EXP.*

‡ 1704, *ch.* 28, hereby continued 3 Years, *&c.*

1709. At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in *Ann-Arundel* County, the 26th Day of *October*, and ended the 11th Day of *November*, in the 8th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, and the Dominions and Territories thereto belonging, Defender of the Faith, *&c. Annoq; Domini* 1709, were Enacted the following Laws.

EDWARD LLOYD, Esq; President.

C H A P. I.

Passed 11th *Nov.* 1709. *An Act confirming and making good and valid in Law, a certain Lease, or Deed of Demise, made between* Robert Smith, *late of* Talbot *County, Esq; deceased, and* Matthew Mason *of the same County, Planter. Lib.* LL. N° 3. *fol.* 383. *PR.*

C H A P. II.

Ditto. *An Act confirming and making good and effectual in Law, a certain Deed or Release made by* Susannah Tracey, *Wife of* Thomas Tracey, *late of* Ann-Arundel *County, Carpenter, to* James Heath *of the same County, Gent. Lib.* LL. N° 3. *fol.* 384. *PR.*

The Deed was made under Coverture, her Husband having been absent upwards of 5 Years. Another Act 1711, *ch.* 10.

C H A P. III.

Ditto. *An Act appointing how long suspected Runaways shall lie in Prison; and for the Discharge of* Indian Harry, *late a Prisoner in* Somerset *County. Lib.* LL. N° 3. *fol.* 385. *OBS.*

The first Paragraph is re-enacted 1715, *ch.* 44, §. 35. The rest is *PR.* See 1711, *ch.* 16.

CHAP.

C H A P. IV.

An Act confirming the Title of the Lands therein mentioned unto Col. William Holland, Richard Harrison, *and* Samuel Chew. *Lib.* LL. N° 3. *fol.* 387. *PR.* Passed 11th *Novr.* 1709.

Another Act 1711, *ch.* 7.

C H A P. V.

An Act impowering Thomas Edmondson, *of* Talbot *County, surviving Executor of his Father* John Edmondson, *to sell and dispose of the Lands by the said* John Edmondson *left for Payment of his Debts. Lib.* LL. N° 3. *fol.* 388. *PR.* Ditto.

C H A P. VI.

An Act to reform the ill Practice of High Sheriffs within this Province. Lib. LL. N° 3. *fol.* 389. *REP.* 1713, *ch.* 1; *and* 1719, *ch.* 16. Ditto.

C H A P. VII.

An Act for the removing John Edgerton, *late of* St. Mary's *County, Planter, now lying under Execution for Debt in the Custody of the Sheriff of* Calvert *County. Lib.* LL. N° 3. *fol.* 390. *PR.* Ditto.

C H A P. VIII.

An Act for Relief of Tobias Pollard, *and* John Pollard, *of* Dorchester *County, Gent. Lib.* LL. N° 3. *fol.* 391. *PR.* Ditto.

See the Act of 1711, *ch.* 14.

C H A P. IX.

An Act suspending the Execution of an Act of Assembly, entitled, * *An Act for the Relief of poor Debtors, and languishing Prisoners. Lib.* LL. N° 3. *fol.* 392. Ditto.

* 1708, *ch.* 1, which was made for 3 Years, and never revived.

C H A P. X.

An Act for the Naturalization of Daniel Pacquet, *of* Ann-Arundel *County, Labourer. Lib.* LL. N° 3. *fol.* 392. *PR.* Ditto.

C H A P. XI.

An Act to allow the † *Importation of Bread, Flour, and* Indian *Corn, from the End of this Session of Assembly to the End of the next Session. Lib.* LL. N° 3. *fol.* 393. *EXP.* Ditto.

† On Account of a great Drought the Summer preceding.

C H A P. XII.

An Act reviving and continuing an Act of Assembly of this Province, entitled, ‖ *An Act for the ordering and regulating the Militia of this Province, for the better Security and Defence thereof; and for supplying some Defects therein. Lib.* LL. N° 3. *fol.* 393. *EXP.* Ditto.

‖ 1704, *ch.* 87, hereby continued 2 Years.

C H A P. XIII.

An Act reviving and continuing of all Process and Proceedings in St. Mary's *County Court,* Dorchester *County Court,* Baltimore *County Court, from the first and second Tuesdays of* November 1709, *to the last Tuesday of the same Month. Lib.* LL. N° 3. *fol.* 394. Ditto.

C H A P. XIV.

An Act to repeal a certain Clause of one Act, entitled, ‡ *An Act ascertaining Fees to Attorneys and Practitioners of the Law, in the Courts of this Province; and for levying the same by Way of Execution. Lib.* LL. N° 3. *fol.* 395. Ditto.

‡ 1708, *ch.* 8, which is *REP.*

C H A P. XV.

An Act reviving an Act, entitled, † *An Act for Limitation of Officers Fees. Lib.* LL. N° 3. *fol.* 395. *EXP.*

† 1704, *ch.* 86, hereby continued for 2 Years.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 24th Day of *October*, and ended the 4th Day of *November*, in the 9th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, and the Dominions and Territories thereto belonging, Defender of the Faith, &c. *Annoque Domini* 1710, were Enacted the Laws following.

EDWARD LLOYD, Eſq; Preſident.

C H A P. I.

Paſſed 4th of *Nov.* 1710. *An Act relieving the Inhabitants of this Province from ſome Aggrievances they lie under. Lib.* LL. N° 3. *fol.* 397. *EXP.*

To endure for 3 Years, A new Act made 1712, *ch.* 1.

C H A P. II.

Ditto. *An Act for the more ſpeedy Conveying of public Letters and Packets of this Province, and defraying the Charge thereof; and for repealing a former Law of this Province, entitled, An Act for the more ſpeedy conveying public Letters and Packets of this Province, and defraying the Charge thereof. Lib.* LL. N° 3. *fol.* 399. *EXP.*

To endure for 3 Years. A new Law made 1713, *ch.* 2. The Law hereby repealed is that of 1704, *ch.* 45.

C H A P. III.

Ditto. *An Act for ſecuring Perſons Rights to Town Lands. Lib.* LL. N° 3. *fol.* 401. *REP.* 1715, *ch.* 49; *and* 1719, *ch.* 16.

A new Law made 1715, *ch.* 32.

C H A P. IV.

Ditto. *An Act impowering certain Truſtees to ſell and value a certain Tract of Land lying in* Dorcheſter *County, called* Richardſon's Choice, *formerly the Land of* John Nichols, *and by him ſold to* William Edmondſon. *Lib.* LL. N° 3. *fol.* 402. *PR.*

See 1705, *ch.* 2.

C H A P. V.

Ditto. *An Act for the Building a Court-houſe for* Talbot *County, at* Armſtrong's *Old Fields, near* Pitt's *Bridge. Lib.* LL. N° 3. *fol.* 403.

By this Act the Juſtices of *Talbot* County were impowered to make Choice of Two Acres of Land at or near *Pitt*'s Bridge, at the Head of *Tread-Haven* Creek, on *Philemon Armſtrong*'s Land, and the ſame to purchaſe by Agreement, or Valuation of a Jury, &c.

C H A P. VI.

Ditto. *An Act continuing* St. Mary's *County Court at the new Court-houſe built at* Seymour-Town, *otherwiſe* Sheppard *Old Fields. Lib.* LL. N° 3. *fol.* 404.

C H A P. VII.

Ditto. *An Act for continuing the County Court of* Queen-Anne's *County, at* Queen's-Town, *where the Court-houſe now ſtands. Lib.* LL. N° 3. *fol.* 405.

C H A P. VIII.

Ditto. *An Act confirming the Laſt Will and Teſtament of* Richard Bridges, *late of* Talbot *County, deceaſed. Lib.* LL. N° 3. *fol.* 405. *PR.*

C H A P. IX.

Ditto. *An Act for the Sale of* Talbot *County old Court-houſe and Priſon, and Land thereto belonging. Lib.* LL. N° 3. *fol.* 405.

By this Act, (1.) The Commiſſioners of the ſaid County Court were impowered to ſell the ſaid Lands and Houſes to the beſt Purchaſer. (2.) The Bargain and Sale thereof, entered upon the County Records, to be good in Law to transfer the Fee-ſimple of the ſaid Land, &c. to the Purchaſer, his Heirs, &c. as if conveyed, enrolled and acknowledged according to the Act, &c.

C HA P.

C H A P. X.

An Act for the Payment and Assessment of the Public Charge of this Province. *Lib.* LL. N° 3. *fol.* 406. Passed 4th *Nov.* 1710.

C H A P. XI.

An Act reviving an Act, entitled, * *An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other* English *or* Indian *Grain or Meal; Horses, Mares, Colts or Fillies, from* Pensylvania, *and the Territories thereunto belonging.* *Lib.* LL. N° 3. *fol.* 406. *EXP.* Ditto.

* 1704, *ch.* 43, hereby continued for 3 Years.

C H A P. XII.

An Act for Confirmation of the Last Will and Testament of William Dixon, *late of* Talbot *County, Glover, deceased.* *Lib.* LL. N° 3. *fol.* 407. *PR.* Ditto.

C H A P. XIII.

An Act reviving an Act, entitled, † *An Act for Killing Wolves and Crows.* *Lib.* LL. N° 3. *fol.* 407. *EXP.* Ditto.

† 1707, *ch.* 18, hereby continued 3 Years.

C H A P. XIV.

An Act reviving an Act, entitled, ‖ *An Act for Relief of poor Debtors, and ascertaining the Manner of Tenders in Tobacco.* *Lib.* LL. N° 3. *fol.* 408. *EXP.* Ditto.

‖ 1707, *ch.* 17, hereby continued 3 Years.

C H A P. XV.

An Act reviving an Act, entitled, ‡ *An Act of Directions for the Sheriff's Office in this Province; and for the more easy Payment of the Public and County Levy.* *Lib.* LL. N° 3. *fol.* 408. *EXP.* Ditto.

‡ 1704, *ch.* 15, hereby continued 3 Years.

C H A P. XVI.

An Act for the Naturalization of Christian Swormstead *of* Calvert *County, Chirurgeon.* *Lib.* LL. N° 3. *fol.* 408. *PR.* Ditto.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 23d Day of *October*, and ended the 3d Day of *November*, in the 10th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq; Domini* 1711, were Enacted the following Laws. 1711.

EDWARD LLOYD, Esq; President.

C H A P. I.

An ACT to impower Commissioners to appoint and cause to be laid out Three Thousand Acres of Land, on *Broad-Creek*, in *Somerset* County, for the Use of the *Nanticoke Indians*, so long as they shall occupy the same. *Lib.* LL. N° 4. *fol.* 1. Passed 3d *Nov.* 1711.

WHEREAS it is represented to this present General Assembly, That the Land formerly laid out for the Use of the *Nanticoke Indians*, is now much worn out, and not sufficient for them: And that it is thought adviseable that some further Provision be made for them; Preamble.

II. **Be it Enacted**, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same,* That Lieut. Col. *George Gale*, Mr. *Samuel Worthington*, Capt. *Charles Ballard*, and Mr. *Benjamin Wales*, be, and are here-

CHAP. I.

3000 Acres of Land to be laid out on *Broad Creek*, to the Uſe of the *Nanticoke Indians*.

by appointed Commiſſioners, to cauſe Three Thouſand Acres of Land to be laid out where the ſaid *Indians* are now ſettled, in *Somerſet* County, on *Broad-Creek*, in *Nanticoke* River, and the ſame to appoint to the Uſe of the ſaid *Indians*, for ſo long as they ſhall occupy the ſame. And further, to cauſe ſuch Land to be valued in ſuch Manner as is herein after expreſſed; *That is to ſay*, The ſaid Commiſſioners, or any Three of them, ſhall, ſome Time before the Twenty-fifth Day of *March* next, meet together, and make out their Warrant to the Sheriff of *Somerſet* County, which ſaid Sheriff is hereby required, upon Receipt of ſuch Warrant, to impannel and return a Jury of the moſt ſubſtantial Free-holders of the ſaid County, to be and appear before the ſaid Commiſſioners, upon the ſaid Land, at the Time in ſuch Warrant appointed; which Jury, upon their Oaths, to be to them adminiſtered by the ſaid Commiſſioners, or any Three of them, ſhall inquire, aſſeſs, and return what Damages and Recompence they ſhall think fit to be awarded to the Owners of ſuch Land, and all Perſons intereſted therein, according to their ſeveral and reſpective Intereſts: And what Sum of Tobacco the ſaid Jury ſhall adjudge the ſaid Land to be worth, ſhall be paid to the Owners, and all Perſons intereſted therein, by the Public of this Province.

The Lands how to be valued,

and that Value to be paid to the Owners by the Public.

The Lands to be ſurveyed, *&c.* and the Lines thereof marked on Trees, *&c.*

III. **And** to the End that the Bounds of the ſaid Land may be aſcertained, and the Commiſſioners aforeſaid, and Jury, the better enabled to judge of the true Value thereof, the ſaid Commiſſioners are hereby impowered to employ the Surveyor of the County aforeſaid, or ſome other ſkilful Perſon, in their Preſence, to ſurvey, lay out, and bound the ſame; which ſaid Lines, ſo as aforeſaid laid out, ſhall be marked on Trees, or other Land-Marks, to perpetuate the Bounds thereof: The ſaid Commiſſioners to return fair Certificates of their Proceedings to the Clerks of the Provincial Court, and *Somerſet* County Court, for the Time being, to be by them Recorded in the ſaid reſpective Courts.

To remain to the Uſe of the *Indians*, ſo long as they ſhall occupy the ſame.

IV. **And be it Enacted** *by the Authority aforeſaid*, That when ſuch Land is laid out and paid for by the Public as aforeſaid, the Property thereof ſhall, by virtue of this Act, be veſted in the Honourable Colonel *Thomas Ennalls*, and Lieut. Col. *George Gale*, and their Heirs, to and for the Uſe of the ſaid *Indians*, ſo long as they ſhall occupy the ſame; and afterwards ſhall be diſpoſed of as the General Aſſembly of this Province ſhall direct.

Such Laying out, and Payment, to be a perpetual Bar to all Claims.

V. **And** that ſuch Laying out, and Payment as aforeſaid, and this Act, ſhall for ever bar the Heir or Heirs at Law, or his or their Aſſigns, or any other Perſons whatſoever, of the Reverſion or Remainder, Right, Claim, or Demand whatſoever, of, in, or to the ſaid Land, or any Part or Parcel thereof; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

Paſſed 3d *Nov.* 1711.

An Act impowering Thomas Edmondſon *of* Talbot *County, ſurviving Executor of his Father* John Edmondſon, *to ſell and diſpoſe of the Lands by the ſaid* John Edmondſon *left for the Payment of his Debts.* *Lib.* LL. N° 4. *fol.* 3. *PR.*

CHAP. III.

Ditto.

An Act to reform the ill Practices of High Sheriffs within this Province. *Lib.* LL. N° 4. *fol.* 4. *EXP.*

To endure for 3 Years. A new Law made 1713, *ch.* 6.

CHAP. IV.

Ditto.

An Act reviving and continuing an Act of Aſſembly of this Province, entitled, * *An Act for the Ordering and Regulating the Militia of this Province, for the better Security and Defence thereof; and for ſupplying ſome Defects therein.* *Lib.* LL. N° 4. *fol.* 6. *EXP.*

* 1704, *ch.* 87, hereby continued to the End of the firſt Seſſion of Aſſembly after the Arrival of a Governor.

CHAP.

CHAP. V.

An Act for ascertaining the Gauge of Tobacco Hogsheads, and to prevent cropping, cutting and defacing Tobacco taken on board Ships and Vessels upon Freight. Lib. LL. N° 4. *fol.* 7. *EXP.* — Passed 3d *Nov.* 1711.

To be in Force till the 10th *December* 1715. A new Act made 1716, *ch.* 8.

CHAP. VI.

An Act for the Relief of John Clements *of* Talbot *County, Son of* John Clements, *late of* Talbot *County, and Legatee of* Ann *the Daughter of the said* John Clements *the Elder; and the Children of* Thomas Clements *and* Mary Inchbud; *being all the legal Representatives of the said* John Clements *the Elder. Lib.* LL. N° 4. *fol.* 10. *PR.* — Ditto.

CHAP. VII.

An Act confirming the Title of Land therein mentioned, unto Colonel William Holland, Richard Harrison, *and* Samuel Chew. *Lib.* LL. N° 4. *fol.* 12. *PR.* — Ditto.

See the Act of 1709, *ch.* 4.

CHAP. VIII.

An Act for the Naturalization of David Pagett, *of* Queen-Anne's *County, Planter, and* Maudlin *his Wife, and their Children. Lib.* LL. N° 4. *fol.* 13. *PR.* — Ditto.

CHAP. IX.

An Act to invest two Tracts of Land in Richard Bennet, *Esq; late the Land of* John Howel, *deceased. Lib.* LL. N° 4. *fol.* 14. *PR.* — Ditto.

CHAP. X.

An Act confirming, and making good and effectual in Law, a certain Deed or Release, made by Susannah Tracey, *Wife of* Thomas Tracey, *late of* Ann-Arundel *County, Carpenter, to* James Heath *of* Queen-Anne's *County, Gentleman. Lib.* LL. N° 4. *fol.* 16. *PR.* — Ditto.

An Act was passed, to the same Purpose, 1709, *ch.* 2.

CHAP. XI.

An Act confirming to Major John Hawkins, *and* Henry Wright, *of* Queen-Anne's *County, certain Lands therein mentioned. Lib.* LL. N° 4. *fol.* 17. *PR.* — Ditto.

CHAP. XII.

An Act for settling and vesting an Estate of Inheritance in Fee-simple, of and in One Hundred and Fifty Acres of Land, lying in Calvert *County, on* William Hickman *of* Calvert *County, Carpenter, Son and Heir of* William Hickman, *deceased; and by the said* Hickman *the Father, purchased of and from a certain* Thomas Hinton. *Lib.* LL. N° 4. *fol.* 19. *PR.* — Ditto.

CHAP. XIII.

An Act impowering Robert Roberts *of* Queen-Anne's *County, to sell Part of a Tract of Land lying in* Cæcil *County, called* New-Munster, *late the Land of* John Toas, *for the Uses therein mentioned; and to make good and valid such Sale. Lib.* LL. N° 4. *fol.* 20. *PR.* — Ditto.

CHAP. XIV.

An Act for the Relief of Tobias Pollard, *and* John Pollard, *of* Dorchester *County, Gentlemen. Lib.* LL. N° 4. *fol.* 21. *PR.* — Ditto.

See the Act of 1709, *ch.* 8.

CHAP. XV.

An Act to rectify a Mistake in the Writing of the Last Will and Testament of the Reverend John Edwards, *late of* Baltimore *County, deceased; and for settling an Estate of Inheritance in Fee-simple on* John Stoakes *the Devisee in the said Will named. Lib.* LL. N° 4. *fol.* 22. *PR.* — Ditto.

CHAP. XVI.

An Act appointing how long suspected Runaways shall lie in Prison. Lib. LL. N° 4. *fol.* 23. *OBS.* — Ditto.

Re-enacted 1715, *ch.* 44, §. 35.

CHAP. XVII.

An Act for Payment and Assessment of the public Charge of this Province. Lib. LL. N° 4. *fol.* 24. — Ditto.

CHAP. XVIII.

Passed 3d Nov. 1711. *An Act to revive, continue, and make good and valid in Law, all Proceſs and Proceedings in* St. Mary's *County Court, from the Eighth Day of* June *this preſent Year, to the Firſt Tueſday of* November *next enſuing.* *Lib.* LL. N° 4. *fol.* 25.

CHAP. XIX.

Ditto. *An Act reviving an Act, entitled,* * *An Act for Limitation of Officers Fees.* *Lib.* LL. N° 4. *fol.* 25. *EXP.*

* 1704, *ch.* 86, hereby continued 3 Years, *&c.*

CHAP. XX.

Ditto. *An Act for the Naturalization of* Peter Saunders, *of* Talbot *County, Planter, and his Children;* Stephen Raſhoon, *of the ſame County, Planter, and his Children; and* William Cody, *of* Charles *County, Taylor, and his Children.* *Lib.* LL. N° 4. *fol.* 26. *PR.*

1712. At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 28th Day of *October*, and ended the 15th Day of *November*, in the 11th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, *&c.* *Annoq; Domini* 1712, were Enacted the following Laws.

EDWARD LLOYD, Eſq; Preſident.

CHAP. I.

Paſſed 15th Nov. 1712. *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law.* *Lib.* LL. N° 4. *fol.* 29. *EXP.*

To be in Force till the End of the firſt Seſſion of Aſſembly after the Arrival of a Governor. Re-enacted 1714, *ch.* 4.

CHAP. II.

Ditto. *An Act making valid and effectual in Law, a Deed of Bargain and Sale, made by Col.* Ninian Beale *of* Prince-George's *County, to* Michael Aſhford, *late of the ſame County.* *Lib.* LL. N° 4. *fol.* 32. *PR.*

CHAP. III.

Ditto. *An Act reſtraining the Inhabitants of this Province from ſelling any Quantities of Strong Liquors to the* Indians; *and to prevent ſpreading falſe Rumours, inciting Differences between them and her Majeſty's Subjects of this Province.* *Lib.* LL. N° 4. *fol.* 34. *OBS.*

Re-enacted, with Additions, 1715, *ch.* 16.

CHAP. IV.

Ditto. *An Act to redreſs the great Evil accruing to this Province by the Multiplicity of uſeleſs Horſes, Mares and Colts, that run in the Woods.* *Lib.* LL. N° 4. *fol.* 35. *EXP.*

To endure for 3 Years. A new Act made 1715, *ch.* 31.

CHAP. V.

Ditto. *An Act for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law in this Province.* *Lib.* LL. N° 4. *fol.* 37. *REP.* 1713, *ch.* 4.

CHAP. VI.

Ditto. *A Supplementary Act to the* * *Act of Aſſembly of this Province, for the puniſhing the Offences of Adultery and Fornication.* *Lib.* LL. N° 4. *fol.* 39. *REP.*

* 1704, *ch.* 60, which was repealed; and a new Law, including both, made 1715, *ch.* 7.

CHAP.

CHAP. VII.

*A Supplementary Act to the * Act for Stay of Execution after the Tenth of* May *Yearly.* *Lib.* LL. N° 4. *fol.* 41. Passed 15th *Nov.* 1712.

* 1704, *ch.* 49, which was repealed, and a new Law, including both, made 1715, *ch.* 33.

CHAP. VIII.

An Act for the Payment and Assessment of the Public Charge of this Province, *Lib.* LL. N° 4. *fol.* 42. Ditto.

CHAP. IX.

An Act confirming the Probat of the Will of John Harrison, *late of* Charles *County, deceased.* *Lib.* LL. N° 4. *fol.* 43. *PR.* Ditto.

CHAP. X.

An ACT restraining Victuallers, and Keepers of Public Houses, from entertaining Sailors, to the Prejudice of Trade and Commerce. *Lib.* LL. N° 4. *fol.* 44. Ditto.

N. B. This Act was Repealed by 1735, *ch.* 8, which expired in 1740. It was again repealed by 1746, *ch.* 23 and again by 1746, *ch.* 10; which two last recited Acts expired, together with the Act of 1756, *ch.* 5, on the 26th *November* 1763. So that it emerges into full Force.

WHEREAS the Masters and Commanders of the several Merchant Ships trading into this Province, and the several Merchants and Traders therein, have represented to this General Assembly, that several Persons keeping Victualling Houses, or Public Houses of Entertainment, for Lucre and Gain, do make it their Practice to draw in and entertain the Seamen belonging to the several Ships, and give them too great Credit; not only to the Ruin of them, their Wives and Children, but also to the Hinderance of the Ship's Lading, whereby the Charge of the Ships are greatly augmented, and Trade in general delayed and discouraged: For the Prevention whereof; Preamble.

II. **Be it Enacted**, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same*, That if any Victualler, or Keeper of any Public House, within this Province, shall, after the First Day of *January* next, trust any Seafaring Man, Sailor, or Seaman, (not being an Inhabitant of this Province, and generally residing in the same) for any Sum or Sums of Money above the Value of Five Shillings in any Voyage, without Leave or Licence from the Commander of the Ship or Vessel to which he belongs, upon Pain of losing their Debt: And if such Victualler, or other Person keeping a Public House, shall take any Bond, Bill, Note, or Bill of Exchange, or any other Specialty or Obligation for any Debt contracted by any Sailor or Seaman belonging to any Ship or Vessel, and not being an Inhabitant as aforesaid, such Bond, Bill, Note, or Bill of Exchange, or other Specialty, or Obligation, shall be void, and of no Effect. Public House Keepers trusting Seamen (not Residents) above 5 Shillings in any Voyage, without Leave of the Commander, lose their Debt.

Any Note, Bill, Bond, *&c.* taken for such Debt, shall be void.

III. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That if any Victualler, or Keeper of any Public House as aforesaid, shall entertain or harbour any Sailor or Seaman, without Licence from the Master or Commander of the Ship or Vessel to which he belongs, to the Delay or Hinderance of the Business of such Ship or Vessel, or the Commanders thereof, such Victualler, or Keeper of a Public House, or House of Entertainment, shall be liable to and incur the Pains and Penalties in the Act of Assembly of this Province inflicted on such as entertain or deal with Servants; any Law, Statute, Usage or Custom to the contrary notwithstanding. Victuallers, *&c.* entertaining Sailors, without Leave of their Master, *&c.* how to be punished.

IV. **Provided**, That this Act, or any Thing therein contained, shall not extend to the Master, or Chief Mate of any Ship or Vessel. Not to extend to Masters or Chief Mates.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XI.

Passed 15th Nov. 1712. *An Act againſt Striking ſundry ſorts of Fiſh within the Precincts of this Province.* *Lib.* LL. N° 4. *fol.* 45. *REP.* 1716, *ch.* 7.

CHAP. XII.

Ditto. *An Act for Killing Squirrels.* *Lib.* LL. N° 4. *fol.* 47. *REP.* 1713, *ch.* 13.

CHAP. XIII.

Ditto. *An Act for confirming unto* Francis Sherwood, *and his Heirs, an Eſtate in Fee-ſimple, of, in, and unto certain Lands deviſed him by his Father.* *Lib.* LL. N° 4. *fol.* 48. *PR.*

CHAP. XIV.

Ditto. *An Act reviving an Act of Aſſembly of this Province, entitled,* * *An Act laying an Impoſition of Three Pence per Hogshead on Tobacco, for defraying the Public Charge of this Province.* *Lib.* LL. N° 4. *fol.* 49. *EXP.*

* 1704, *ch.* 64, hereby continued for 3 Years. There is a miſ-recital of the Original, as if made in *December* Seſſion 1704; whereas it was made in the Seſſion begun in *September* 1704.

CHAP. XV.

Ditto. *A Supplement to the* † *Act for Appointment of Conſtables, and what relates to their Office, and aſcertaining what Perſons are Taxables.* *Lib.* LL. N° 4. *fol.* 49.

† 1704, *ch.* 61, which is *REP.* and a new Law, including both, made 1715, *ch.* 15.

CHAP. XVI.

Ditto. *An Act confirming and making good and valid in Law, a certain Deed of Bargain and Sale made by* Edward Hancox, *deceaſed, to* Thomas Johnſon *of* Liverpool, *Eſq;* *Lib.* LL. N° 4. *fol.* 51. *PR.*

CHAP. XVII.

Ditto. *An Act for the Naturalization of* Samuel Guichard, *of* Ann-Arundel *County, Planter.* *Lib.* LL. N° 4. *fol.* 51. *PR.*

CHAP. XVIII.

Ditto. *An Act reviving a certain Act of Aſſembly of this Province, entitled,* ‖ *An Act aſcertaining Fees to the Attorneys and Practitioners of the Law in the Courts of this Province, and for levying the ſame by Way of Execution.* *Lib.* LL. N° 4. *fol.* 52. *EXP.*

‖ 1708, *ch.* 8, hereby continued 3 Years.

CHAP. XIX.

Ditto. *An Act for ſettling* Baltimore *County Court, at the new Court-houſe at* Joppa. *Lib.* LL. N° 4. *fol.* 52.

(1.) It being enacted by the Supplementary Act for the Advancement of Trade 1707, *ch.* 16, That the Place appointed for a Town on *Gunpowder* River, on a Tract of Land called *Forſter's-Neck*, ſhould be deſerted; and, in lieu thereof, 50 Acres of Land on a Tract on the ſaid River, belonging to *Anne Felks*, called *Taylor's Choice*, ſhould be erected into a Town, and the Court-houſe of the ſaid County ſhould be built there. And no other Proviſion being made for building the ſaid Court-houſe than what was contained in the ſaid Act, which is not now in Force; and the Commiſſioners of the ſaid County having proceeded towards building of the ſaid Court-houſe, according to the ſaid Act, before the Diſſent of her Majeſty to the ſaid Act was known; and ſince that Time have nearly finiſhed the ſame: It is therefore Enacted, (2.) That *Baltimore* County Court ſhall be from henceforth held at the ſaid Houſe, now built at the ſaid Town of *Joppa*, and not elſewhere: And that the ſame Houſe be, to all Intents, Conſtructions and Purpoſes, adjudged, uſed, reputed and taken, as the proper Court-houſe of *Baltimore* County. And (3.) That all thoſe Lots of Land laid out by virtue of the ſaid Act, for Towns, for the Public Uſe, ſhall be, and is hereby declared to be and remain, to and for the ſame Uſes and Intents the ſame was at firſt laid out for.

CHAP. XX.

Ditto. *An Act for inveſting* Margaret *the Wife of* Thomas Hollingſworth, *and* Katherine Wells, *Daughters of* Zorobabel Wells, *with as ample an Eſtate of joint Tenancy, in Fee-ſimple, of, in, and unto certain Lands deviſed them by their Father, as if the ſame had been expreſsly ſo deviſed them by his Will.* *Lib.* LL. N° 4. *fol.* 54. *PR.*

CHAP. XXI.

Ditto. *An Act to confirm the Laſt Will and Teſtament of* John Courts, *late of* Charles *County, Eſq; deceaſed.* *Lib.* LL. N° 4. *fol.* 55. *PR.*

CHAP.

CHAP. XXII.

An Act reviving an Act of Assembly of this Province, entitled, * *An Act imposing Three Pence per Gallon on Rum and Wine, Brandy and Spirits; and Twenty Shillings per Poll for Negroes, for raising a Supply to defray the Public Charge of this Province; and Twenty Shillings per Poll on* Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province. Lib.* LL. N° 4. *fol.* 59. *EXP.* Passed 15th *Nov.* 1712.

* 1704, *ch.* 33, hereby continued 3 Years.

CHAP. XXIII.

An ACT prohibiting the Exportation of the Hides of Neat Cattle, whether Tanned or Untanned, and old Iron, out of this Province. *Lib.* LL. N° 4. *fol.* 60. Ditto.

BE it Enacted, *by the Queen's most excellent Majesty; by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same,* That if any Person or Persons whatsoever, from and after the First Day of *December* now next ensuing, shall carry and transport, or cause or endeavour to be carried and transported out of this Province, by Land or Water, to any other of her Majesty's Plantations, any Skins or Hides of any Neat Cattle, Tanned or Untanned, or any old Iron whatsoever, it shall and may be lawful for any Officer of her Majesty's Customs to make Seizure thereof. And the Master, Merchant, or Owner of any Ship or Vessel, or other Person, being convict of Shipping or Lading on board any Ship or Vessel, or transporting by Land out of this Province, any such Hides or old Iron as aforesaid, shall not only forfeit the same; but also the Sum of Fifty Pounds Current Money of this Province, to her most sacred Majesty, her Heirs and Successors; the one Half thereof towards the defraying the Public Charge of this Province, and the other Half to such Person or Persons as shall inform or sue for the same: To be recovered in any Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law shall be allowed. Skins, Hides, or old Iron, attempted to be transported out of this Province may be seized. Penalty, forfeiture of the Goods, and 50 *l.* Current Money.

II. AND for the better Publication of this Act, BE it likewise Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That every Naval Officer and Collector within this Province, shall procure a fair Copy of this Act, to be put up at the most public Place within their respective Offices, before or at the aforesaid First Day of *December* at farthest; and the said Naval Officers, Collectors, or other Custom-House Officers of her Majesty's Customs, are hereby required to have a strict Regard to the due Execution of this Act; and so far as in them lie, to detect and prosecute, or cause to be detected and prosecuted, all Offenders against the Tenor hereof. Naval Officers and Collectors to set up Copies of this Act in their Offices.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

An Act for Naturalization of Peter Owerard, *of the City of* Annapolis, *Saddler*; Daniel Packet, *of* Ann-Arundel *County, Labourer*; Joseph Crismand, *of* Charles *County, Planter*; *and* Ambrose Nelson, *of* Baltimore *County, Planter. Lib.* LL. N° 4. *fol.* 60. *PR.* Passed 15th *Nov.* 1712.

CHAP. XXV.

An Act reviving an Act of Assembly of this Province, entitled, * *An Act for Encouragement of Tillage, and Relief of poor Debtors. Lib.* LL. N° 4. *fol.* 61. *EXP.* Ditto.

* 1704, *ch.* 28, hereby continued 3 Years.

CHAP. XXVI.

An Act reviving an Act of Assembly of this Province, entitled, † *An Act ascertaining the Height of Fences; to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province. Lib.* LL. N° 4. *fol.* 62. *EXP.* Ditto.

† 1704, *ch.* 41, hereby continued 3 Years.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 27th Day of *October*, and ended the 14th Day of *November*, in the 12th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq; Domini* 1713, were Enacted the Laws following.

EDWARD LLOYD, Eſq; Preſident.

CHAP. I.

Paſſed 14th *Nov.* 1713.

An Act of Directions for the Sheriff's Office in this Province, and for the more eaſy Payment of the Public and County Levy. *Lib.* LL. N° 4. *fol.* 65. *REP.* 1715, *ch.* 46; *and* 1719, *ch.* 16.

This Act repeals 1709, *ch.* 6. A new Law made 1715, *ch.* 46.

CHAP. II.

Ditto.

An ACT for the more ſpeedy conveying Public Letters and Packets of this Province, and defraying the Charge thereof; and to prevent the Abuſes of breaking open, and concealing any Letters whatſoever. *Lib.* LL. N° 4. *fol.* 71.

Preamble.

FORASMUCH as ſeveral of the Inhabitants of this Province have been formerly ſubject to great and manifeſt Inconveniencies by preſſing of Horſes, under Pretext of carrying and conveying Public Letters and Packets: For Prevention whereof, and that due Care may be taken for the future, that all Public Letters and Packets, relating to her Majeſty's, or the Public Service of this Province, be ſecurely and expeditiouſly conveyed, according to their Directions, the Delegates of this preſent General Aſſembly do pray that it may be Enacted;

The Sheriffs to convey all Public Letters to the Sheriff of the next County.

II. And be it Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Sheriff of each reſpective County is hereby enjoined and commanded to take Care of all Public Letters and Packets, and expeditiouſly convey them, according to their reſpective Directions, to the next Sheriff or Under-Sheriff of the next adjacent County.

The annual Allowances to Sheriffs to be charged in the Public Levy, in lieu of all Charges accruing by the Conveyance of Public Letters.

III. And for the Encouragement of the ſeveral and reſpective Sheriffs, and their Diligence in conveying ſuch Public Letters and Packets, that they may be allowed the ſeveral Sums hereafter expreſſed, to be laid in the Public Levy of this Province, *That is to ſay*;

To the Sheriff of *Ann-Arundel* County, Fifteen Hundred Pounds of Tobacco, who is hereby obliged to convey all ſuch Letters and Packets as are directed, and muſt go over to the Eaſtern Shore, to *Kent-Iſland*, and there to be delivered to the Sheriff of *Queen-Anne*'s County, or his Deputy.

To the Sheriff of *Queen-Anne*'s County, Fourteen Hundred Pounds of Tobacco, who is hereby alſo obliged to convey all ſuch Letters and Packets as are directed to the City of *Annapolis*, to the ſaid City.

To the Sheriff of *Cæcil* County, One Thouſand Pounds of Tobacco, who is alſo obliged to convey all ſuch Letters and Packets as are directed to the Northward, to the Town of *New-Caſtle* upon *Delaware*.

To the Sheriff of *Talbot* County, Eight Hundred Pounds of Tobacco.

To

To the Sheriff of *Kent* County, Six Hundred Pounds of Tobacco.
To the Sheriff of *Dorchester* County, Six Hundred Pounds of Tobacco.
And to the Sheriff of *Somerset* County, Six Hundred Pounds of Tobacco.
To the Sheriff of *Calvert* County, Eight Hundred Pounds of Tobacco.
To the Sheriff of *Charles* County, Eight Hundred Pounds of Tobacco.
To the Sheriff of *St. Mary's* County, Eight Hundred Pounds of Tobacco.
To the Sheriff of *Prince-George's* County, Six Hundred Pounds of Tobacco.
And to the Sheriff of *Baltimore* County, Six Hundred Pounds of Tobacco.
Which ſaid ſeveral and reſpective Sums of Tobacco ſhall be annually allowed and paid to the Sheriffs aforeſaid; in Conſideration whereof the Sheriffs of the ſaid ſeveral and reſpective Counties ſhall defray all ſuch Charges as ſhall accrue by Reaſon of conveying of ſuch Letters or Packets; any former Law, Uſage or Cuſtom to the contrary notwithſtanding.

The above Allowances are affected by the Inſpection Law, 1763, *ch.* 18.

Public Letters, how to be endorſed. Perſons ſo endorſing Letters, not for the Public Service, forfeit 500 lb Tobacco.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That ſuch Public Letters and Packets be endorſed, *For her Majeſty's Service*, and with the Perſon's Name that ſend them. And if any Perſon or Perſons whatſoever, ſhall, at any Time after the Publication of this Act, preſume to endorſe any Letter or Letters, Packet or Packets, ſo as aforeſaid, which are not for the Public Service, he, or they, ſhall forfeit and pay for ſuch Offence Five Hundred Pounds of Tobacco, to be recovered in any of her Majeſty's Courts of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

What Letters ſhall be deemed Public Letters.

V. **And** the better to aſcertain what Letters ſhall be accounted Public Letters, **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all Letters directed to the Governor of this Province, for the Time being, endorſed, *For her Majeſty's Service*; and all Letters ſent by the Governor, having his, or the Clerk of the Council's, Name endorſed, and *For her Majeſty's Service*, directed to any Perſon whatſoever; and all Letters ſent by any Member of her Majeſty's Council, with the Subſcriber's Name endorſed, and *For her Majeſty's Service*; all Letters ſent by the Speaker, or Clerk of the Houſe of Delegates, for the Time being, with the Subſcriber's Name endorſed, and *For her Majeſty's Service*; all Letters ſent by a Juſtice of the Provincial Court, with the Subſcriber's Name endorſed, and *For her Majeſty's Service*; and all Letters ſent by the Public Treaſurers of each Shore, to any Naval Officer, with the Subſcriber's Name endorſed, and *For her Majeſty's Service*, ſhall be accounted, only, Public Letters.

Sheriffs (if required) ſhall give Receipts for Public Letters, and may demand the like. Penalty on Sheriffs refuſing to give ſuch Receipt, or detaining Public Letters.

VI. **And whereas**, alſo, the Sheriffs of this Province, whoſe Duty it is to convey Letters for her Majeſty's Service, are very much complained of for their Negligence therein; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if any High-Sheriff, or his Deputies, receive any Public Letter, he ſhall, if required, give a Receipt for the ſame, ſhewing the Day and Hour when he received the ſame: And when he delivers the ſame Letter to the next Sheriff, or Party to whom directed, the Party that receives the ſame, ſhall likewiſe, if required, give ſuch like Receipt to the Sheriff that firſt received it. And any High-Sheriff, or his Deputy or Deputies (for whom the High-Sheriff ſhall be anſwerable) ſhall refuſe to give ſuch Receipt, to be proved by the Oath of the Perſon demanding ſuch Receipt; or, having received ſuch Letter, ſhall wilfully neglect immediately to forward ſuch Letter, as directed, ſo that ſuch Letter is ſtopped Twenty-four Hours longer than it reaſonably need be, (reſpect being had to the Wind and Weather) the High-Sheriff ſhall forfeit the Sum of Two Thouſand Pounds of Tobacco in Caſk; the one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Succeſſors, for the Support of the Government of this Province, the other Moiety to him or them that will ſue for the ſame; to be recovered by Action of

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Debt, in any Court of Record of this Province. And ſuch Neglect of ſuch Sheriffs ſhall be evidenced by the Dates of the Receipts.

Abuſes in opening, concealing, and deſtroying Letters enumerated.

VII. **And whereas** the Trade and Commerce of this Province is, in great Meaſure confined to *England*, and the Inhabitants of this Province of neceſſity are obliged to lodge their Effects, and wholly correſpond with the Merchants in *England*, by which Means we have great Dependance upon their Advice in Trade; and often Proteſted Bills of Exchange are remitted hither to the ſeveral Perſons intereſted therein, which are ſometimes of conſiderable Value; and for want of due Care of ſuch Letters, in which the ſame are incloſed, no ſettled Poſt-Houſes being appointed for the Reception of them, many Times ſundry evil-minded Perſons find Occaſion clandeſtinely to take ſuch Letters out of the Public Houſes, where they are generally left, and break open and conceal the ſame, to the great Detriment of ſundry of the Inhabitants, Merchants, and Traders: And many ill-deſigning Perſons, who have drawn Bills of Exchange, not having any Bottom in *England* to anſwer the ſame, well knowing and obſerving to what Merchant or Merchants ſuch Bills are remitted, do diligently watch the Returns of ſuch Bills from the Merchants, and gueſſing at ſome Letters to be the Coverts of their Proteſted Bills, get them into their Hands, and deſtroy the ſame, to the great Detriment of many honeſt Traders and Dealers, and others concerned: And many Times others, out of a diſhoneſt and inquiſitive Temper, ſecretly take and break open public and private Country Letters, to the great Diſſatisfaction and Prejudice of ſeveral the Inhabitants, her Majeſty's good Subjects, and great Delay of Public Buſineſs: For the Prevention thereof for the future;

Perſons breaking open private Letters without Leave, ſhall ſuffer 6 Days Impriſonment, and forfeit 5 *l.* Sterling.

VIII. **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall hereafter preſume to take and break open the Seal or Seals of any Letter or Letters whatſoever, not being unto him or them directed, or not having eſpecial Licence from the Perſons to whom the ſame are directed, their Executors or Adminiſtrators, ſo to do, ſhall, upon due Conviction thereof, either in the Provincial or County Courts of this Province, ſuffer Impriſonment of his, her, or their Bodies, for and during the Space of Six Days, without Bail or Mainprize, and forfeit the Sum of Five Pounds Sterling; the one Moiety to her Majeſty, her Heirs and Succeſſors, for the Support of Government, the other Moiety to him or them that ſhall inform, or ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

Perſons breaking open Public Letters, to ſuffer 2 Months Impriſonment, and forfeit 20 *l.* Sterling.

IX. **And** in caſe any Perſon or Perſons ſhall break open any Letter or Letters directed to his Excellency, her Majeſty's Governor, or any of her Majeſty's Council of this Province, for the Time being, or other Public Letter ſuperſcribed, or directed, *For her Majeſty's Service*, and ſigned by any Perſon having Authority ſo to do, and ſhall be thereof legally convict, he, ſhe, or they, ſo offending, ſhall ſuffer Two Months Impriſonment, without Bail or Mainprize, and forfeit to our Sovereign Lady the Queen, her Heirs and Succeſſors, the Sum of Twenty Pounds Sterling; to be recovered and divided as aforeſaid.

The Act of 1707, *ch.* 2, repealed.

X. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That one Act of Aſſembly of this Province, made at a Seſſion of Aſſembly, begun and held at the Port of *Annapolis*, the Twenty-ſixth Day of *March*, *Anno Domini* Seventeen Hundred and Seven, entitled, *An Act to prevent the Abuſe of breaking open, and concealing public and private Letters*; and every Article, Clauſe and Thing therein contained, be and is hereby repealed, and made null and void.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

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CHAP. III.

An ACT for Relief of Debtors; and aſcertaining the Manner of Tenders in Tobacco. *Lib.* LL. N° 4. *fol.* 75.

Paſſed 14th *Nov.* 1713.

N. B. The Uſe of this Act is at preſent ſuſpended by the Inſpection Law, 1763, *ch.* 18.

Preamble.

WHEREAS ſeveral honeſt Perſons within this Province being indebted in Tobacco to divers Perſons, Merchants, and others, and well diſpoſed to pay the ſame, taking Care therefor, by providing the Tobacco; but oftentimes it ſo happens, that becauſe an Opportunity or Conveniency doth not offer to the Creditor to diſpoſe thereof, they do frequently refuſe, neglect and delay to receive the ſaid Tobacco in Diſcharge of the Debts; whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the ſaid Debts, remains in his Hands, ſubject to all Caſualty on the Debtor's Account, and which he dares not make Uſe of for Fear of his Creditor's demanding and ſuing after for the Debt: For Remedy whereof for the future;

Tobacco refuſed by the Creditor when tender'd in Payment, ſhall be viewed by two ſworn indifferent Freeholders, to be appointed by a Magiſtrate.

II. **Be it Enacted**, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame*, That any Perſon or Perſons whatſoever, inhabiting within this Province, and now being, or that hereafter ſhall be indebted to any Merchant or Others, either reſident in or trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the ſame, and hath offered it to his Creditors, his Factor or Attorney, and by him or them refuſed, neglected, or delayed to be received as aforeſaid, it ſhall and may be lawful to and for ſuch Debtor or Debtors, * at any Time between the firſt Day of *November*, and the laſt Day of *March*, in every Year, during the Continuance of this Act, and at no other Time, to repair to the next Juſtice of Peace, and there before him, upon making Oath of ſuch Tobacco being already tendered, and neglected, refuſed or delayed to be received, the ſaid Juſtice ſhall, and is hereby impowered and required to appoint two ſufficient Perſons, being Freeholders in the Neighbourhood, (not being of Kin either to the Debtor or Creditor) where ſuch Debtor ſhall dwell, to view, ſearch and look upon ſuch Tobacco ſo ready to be paid in Diſcharge of the Debt, and tendered as aforeſaid: Which two Perſons ſo appointed ſhall take their Oaths, to be adminiſtered by the Juſtice aforeſaid, well and truly to try and examine into the Matter aforeſaid, and make Report to the Juſtice aforeſaid. And if upon viewing the ſame, it be found that the Tobacco aforeſaid is clean, ſound and merchantable, and fit to be paid in Diſcharge of the Debt aforeſaid, they ſhall, and are hereby authorized and impowered to mark the ſaid Tobacco in Hogſheads upon the Head and Bulge, for ſuch Creditor as aforeſaid, and weigh the ſame, and ſignify the neat Weight thereof unto the Juſtice aforeſaid. Which Tobacco, ſo tendered, and refuſed to be received, being viewed, marked and weighed as aforeſaid, ſhall for ever after be eſteemed and taken as the proper Goods and Tobacco of the Creditor, and in abſolute Diſcharge of the Debt aforeſaid, or of ſo much thereof as the ſame Tobacco ſhall weigh. Provided, each Hogſhead weighs Five Hundred neat, or upwards.

In what Manner they ſhall proceed.

* The Time herein limited being found too ſhort, is extended to the laſt of *May*, by 1724, *ch.* 6. See the ſaid recited Act, §. 3.

The Creditor to have Notice of ſuch View, that he may attend, &c.

III. **And** becauſe many Contracts, Bills and Bonds may be of different Nature and Circumſtances, **It is hereby further Declared and Enacted**, That upon every ſuch Viewing as aforeſaid, the Creditor, his Factor or Attorney, ſhall have Notice thereof by the ſaid Debtor, and if he do not come to the Place, and make known, by ſhewing the Contract or Obligation, the Circumſtances or Nature of the Contract or Obligation, if the Tobacco viewed as aforeſaid, be clean from Traſh, ſound and merchantable, it ſhall be marked

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and weighed in Diſcharge of ſuch Debt, be the ſame of what Nature ſoever. And the Perſon in whoſe Houſes the Tobacco lies, or ſhall lie, ſhall take Care of and preſerve the ſame for one whole Year, as they are obliged to do Tobacco actually received by any Creditor, Merchant or others; any Law, Statute, or Uſage to the contrary notwithſtanding.

The Plaintiff, if he ſues afterwards, ſhall loſe his Coſts, and have Judgment for the Ballance.

IV. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That if any Debtor who hath tendered Tobacco to his Creditor, which is in very good Condition, clear of all manner of Traſh, according to the tenor of the Specialty aforeſaid, and well packed in good ſeaſoned Hogſheads, and which Hogſheads of Tobacco contain Five Hundred Pounds of neat Tobacco, at the leaſt, and which the Creditor refuſed, and hath ſuch Tobacco ready to tender and pay to his Creditor, be yet notwithſtanding ſued and proſecuted at Law, in order to recover ſuch Tobacco as he ſhall be indebted to his Creditor; if at the Trial the Defendant ſhall make appear by two ſufficient Evidences, that he tendered to the Plaintiff ſuch his Debt, in ſuch Tobacco, qualified as aforeſaid, having the Tobacco ready and full packed in Hogſheads, before the Plaintiff purchaſed his Writ; then and in every ſuch Caſe, the Plaintiff ſhall not recover any Coſt of Suit againſt the Defendant, but ſhall pay the Defendant what Coſt the Defendant hath in that Cauſe expended, to be deducted out of the Plaintiff's Debt by the Court before whom ſuch Suit ſhall be: And the Plaintiff ſhall have Judgment for what ſhall be remaining due to him after ſuch Deduction made as aforeſaid.

If the Plaintiff after ſuch Recovery ſhall refuſe to receive the Tobaccoes, and the Defendant be taken in Execution, the ſame may be brought to a View by a Friend,

V. **And** in caſe any Plaintiff, after ſuch Recovery had of any Quantity of Tobacco againſt any Defendant, having Tobacco packed in Hogſheads, and qualified as aforeſaid, ſhall refuſe, upon the Defendant's tendering of ſuch Tobacco, to receive the ſame, but ſhall ſue out Execution againſt the Defendant, whereby the Defendant is taken in Execution, and impriſoned; then and in ſuch Caſe, any Friend of the ſaid Defendant ſo impriſoned, may, on Behalf of ſuch Priſoner, go to the High-Sheriff, and require him to certify to the next Juſtice of the Peace, at whoſe Suit, and for what Sum, the ſaid Priſoner is in Execution; which Certificate the Sheriff ſhall make *gratis*, and give to ſuch Perſon requiring the ſame, within Five Hours after ſuch Demand, under Penalty of Two Thouſand Pounds of Tobacco in Caſk, to be forfeited by the High-Sheriff if he wilfully refuſe to make the ſame; the one Half thereof to her Majeſty, her Heirs and Succeſſors, for the Support of Government, the other Half to the Party grieved, to be recovered by Action of Debt, in any Court of Record of this Province: Which Certificate, ſo obtained, any Friend or Agent of ſuch Priſoner, ſhall ſhew to ſuch next Juſtice of Peace; and if ſuch Friend or Agent will aver, that the Priſoner hath Tobacco ready to pay ſuch Debtor Damages recovered convenient, and that ſuch Friend will open and ſhew the ſame, the ſaid Juſtice of Peace ſhall either go in Perſon, or ſend two diſcreet Perſons, Freeholders as aforeſaid, ſworn before him, to view the Tobacco and weigh it, and make Report thereof; and if it happen the Tobacco is ſound, merchantable, and of ſuch Weight to diſcharge the whole Sum mentioned in the Execution, then ſhall the ſaid Juſtice give Notice to the Sheriff in Writing, under the Hand of ſuch Juſtice, by the Agent of ſuch Priſoner, that except ſuch Sheriff come and ſhew good Cauſe to the contrary, that the ſaid Juſtice will cauſe the ſaid Tobacco to be marked on the Creditor's Riſque; and if Cauſe be not ſhewed within Forty-eight Hours after the Date and Service of ſuch Writing, which ſhall be dated on or at a certain Hour of a certain Day, that then the Juſtice ſhall cauſe the ſaid Tobacco to be marked and numbered, and ſhall ſend the Sheriff a Certificate of the Mark, Number, Weight, and Place where ſuch Tobacco lies, on the Creditor's Account: And, in caſe the Priſoner is not in his Cuſtody on any other Account, he ſhall ſuffer him (paying, or giving Security for his Fees) to go at large, and ſhall not be anſwerable upon any Action of Eſcape; and

and if they be ſound, merchantable, &c.

ſhall have his Diſcharge, paying the Sheriff's Fees, &c.

and if after this the Sheriff detain the Priſoner any longer in Priſon, ſuch Detaining ſhall be adjudged Falſe Impriſonment. CHAP. III.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

An ACT for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law within this Province.

Paſſed 14th *Nov.* 1713.

Lib. LL. N° 4. *fol.* 77.

A Supplementary Act, 1729, *ch.* 3.

Preamble. FORASMUCH as the Liberty of Appeals, and Writs of Error, from the Judgment of the Provincial and County Courts of this Province, is found to be of great Uſe and Benefit to the Good of the People thereof:

No Execution to be ſtayed on Appeal or Writ of Error, before Security be given by the Appellant. II. Be it therefore Enacted, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Preſident, Council, and Aſſembly of this Province, and the Authority of the ſame*, That no Execution upon any Judgment obtained either in the Provincial or County Courts, or other inferior Courts of Record within this Province, ſhall be ſtayed or delayed, or any *Superſedeas* upon ſuch Judgment granted, or iſſued forth, upon any Appeal or Writ of Error, from any ſuch Court or Courts of Record as aforeſaid, to the Court before whom ſuch Appeal ought to be brought, or before whom ſuch Writ of Error ought to be heard and determined, unleſs ſuch Perſon or Perſons in whoſe Name ſuch Appeal or Writ of Error ſhall be made or brought as aforeſaid, or ſome other in his, her, or their Behalf, ſhall immediately upon making ſuch Appeal, or ſuing out ſuch Writ of Error as aforeſaid, enter into Bond, with ſufficient Sureties, (ſuch as the Juſtices of the Court by whom Judgment ſhall be given as aforeſaid, or the Keeper of the Seal for the Time being, to whom Application ſhall be made for ſuch Writ of Error as aforeſaid, ſhall approve of) in double the Sum recovered by ſuch Judgment obtained as aforeſaid, with Condition, "That if the Party Ap- Form of the Condition. "pellant, or Party ſuing out ſuch Writ of Error as aforeſaid, ſhall not pur- "ſue the Directions of this Act hereafter mentioned, at the next Court en- "ſuing, before whom ſuch Appeal or Writ of Error ought to be tried as a- "foreſaid, and proſecute the ſame Writ with Effect; and alſo ſatisfy and pay "to the ſaid Party, his Executors, Adminiſtrators, or Aſſigns, in caſe the "ſaid Judgment ſhall be affirmed, as well all and ſingular the Debts, Da- "mages and Coſts adjudged by the Court before whom ſuch Action was firſt "brought, and from whoſe Judgment ſuch Appeal ſhall be made, or there- "on a Writ of Error brought as aforeſaid, as alſo all Coſts and Damages that "ſhall be awarded by the Court before whom ſuch Appeal or Writ of Error "ſhall be heard, tried, and determined as aforeſaid; then the ſaid Bond to "be and remain in full Force and Virtue; otherwiſe of no Effect."

No Appeal to the Provincial Court for leſs than 6 *l.* Sterling, or 1200 lb Tobacco. Nor from the Provincial Court for leſs than 50 *l.* Sterling, or 10000 lb Tobacco. III. And be it Enacted *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That no Perſon or Perſons whatſoever, againſt whom any Judgment ſhall be given in any County Court of this Province, wherein the Debt or Damages for which ſuch Judgment ſhall be given, ſhall have any Appeal or Writ of Error from the ſaid County Courts, or other inferior Courts of Record, to the Provincial Court, wherein the Debt or Damages recovered do not amount to the Sum of Six Pounds Sterling, or Twelve Hundred Pounds of Tobacco. And that no Perſon or Perſons whatſoever, againſt whom any Judgment ſhall be given in the Provincial Court of this Province, wherein the Debt or Damages recovered do not exceed the Sum of Fifty Pounds Sterling, or Ten Thouſand Pounds of Tobacco, ſhall be allowed any Appeal, or Writ of Error, to the Governor and Council of this Province; but the Judgment of the Juſtices of the ſame Courts by whom ſuch Judgment

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ment ſhall be given as aforeſaid, and thereupon entered, ſhall be definitive for any ſuch Debt or Damages as aforeſaid; any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

Method of proſecuting Appeals, &c. by tranſmitting a Tranſcript of the Proceedings, &c.

IV. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That the Method and Rule of the Proſecution of Appeals and Writs of Error, ſhall, for the future, be in Manner and Form as is herein after mentioned and expreſſed, *(That is to ſay,)* The Party appealing, or ſuing out ſuch Writ of Error as aforeſaid, ſhall procure a Tranſcript of the full Proceedings of the ſaid Court from whence ſuch Appeals ſhall be made, or againſt whoſe Judgment the Writ of Error ſhall be brought as aforeſaid, under the Hand of the Clerk of the ſaid Court, and Seal thereof; and ſhall cauſe the ſame to be tranſmitted to the Court before whom ſuch Appeal or Writ of Error is, or ought to be heard, tried and determined as aforeſaid; and alſo in the ſame Court file, in Writing, according to the Rule of the ſame Court, ſuch Error in the Proceedings, as the Plaintiff in the Writ of Error ſhall think fit to aſſign, or ſuch Cauſes or Reaſons as he, or they, had for making the ſaid Appeal, or ſuing out ſuch Writ of Error as aforeſaid; upon which Tranſcript the ſaid Court to whom ſuch Appeal ſhall be made, or before whom ſuch Writ of Error ſhall be brought as aforeſaid, ſhall proceed to give Judgment.

Appeals, ſo made, ſhall be admitted by the ſuperior Court in the nature of a Writ of Error.

V. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That all Appeals made in Manner aforeſaid, ſhall be admitted and allowed by the ſuperior Courts, to whom ſuch Appeal ſhall be made as aforeſaid, in nature of a Writ of Error; and that every Clerk of a Court ſhall, at the Time of the Sitting of any Court to which they reſpectively belong, and when any Appeal ſhall be demanded, to enter a Memorandum of ſuch Demand, as well in his or their Courts Proceedings, as in the fair Records of the Proceedings of ſuch Court. And that no Clerk of a Court do refuſe or delay, upon Requeſt of any Appellant as aforeſaid, to write and make out a Tranſcript of the whole Proceedings as aforeſaid, under his Hand, and the Seal of the Court as aforeſaid, upon Penalty to pay the reſpective Damages which ſuch Appellant ſhall ſuſtain by ſuch Refuſal or Delay as aforeſaid, the ſaid Party paying, or ſecuring to be paid, ſuch reſpective Clerk his juſt Fees for the ſame, according to Law.

Penalty on the Clerk refuſing or delaying to make out a Tranſcript.

Appeals may be heard by the Governor and Council, out of Aſſembly Time.

VI. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That all Appeals, or Writs of Error already made and brought, or hereafter to be made or brought, before the Governor and Council, ſhall and may be heard by the ſaid Governor and Council, out of Aſſembly Time; any thing in the ſame Writ, any other former Law or Practice to the contrary notwithſtanding.

In caſe the Governor be abſent, or a Party, then the Council and Preſident alone may determine.

VII. And for that it may ſo happen, that the Governor of this Province, for the Time being, may hereafter be concerned in an Appeal made, or Writ of Error brought, from the Judgment of the Provincial Court, to the Governor and Council aforeſaid, or be otherwiſe indiſpoſed, or abſent; Be it therefore Enacted, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be ſufficient, in every ſuch Caſe, for the * Council only to hear and determine ſuch Matters of Controverſy; whereof the Firſt of the Council in Commiſſion being then preſent ſhall preſide, whoſe Judgment thereupon ſhall be definitive, in as full and ample Manner as if the ſaid Governor were then actually preſent, and preſiding; any thing in this Act to the contrary notwithſtanding.

* By the Act of 1729, *ch.* 3, any five Members of the Court of Appeals, may ſit in the Abſence of the Governor and Preſident; the ſenior Councillor preſent Preſiding.

The Act of 1712, *ch.* 5, repealed.

VIII. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That an Act of Aſſembly of this Province, entitled, *An Act for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law*

Law, within this Province, made at a Session of Assembly begun and held at the City of *Annapolis*, the Twenty-eighth Day of *October*, and ended *November* the Fifteenth, in the Eleventh Year of the Reign of our Sovereign Lady Queen *Anne*, *Anno Domini* Seventeen Hundred and Twelve, is hereby utterly repealed and made void; any thing in the said Act to the contrary notwithstanding. CHAP. IV.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

An Act for the Relief of John Smith *of* Cæcil *County, in the regulating a Mistake in a certain Deed of Bargain and Sale, from the Devisees of* Philip Lynes, *Esq; to him made. Lib.* LL. N° 4. *fol.* 80. *PR.* Passed 14th *Nov.* 1713.

CHAP. VI.

An Act to restrain the ill Practice used by Sheriffs in taking Goods by Fieri facias, *and selling them by* Venditioni exponas. *Lib.* LL. N° 4. *fol.* 83. *OBS.* Ditto.

Re-enacted with an additional Clause, 1716, *ch.* 16.

CHAP. VII.

An Act for the Relief of Anthony Ivy *and* Anne *his Wife (which said* Anne *is the Daughter and Heiress at Law to* Robert Smith, *Esq; late of* Queen-Anne's *County, deceased, and the said* Anthony *one of the Executors of the said* Robert Smith's *Testament) in confirming the Mortgage of Land therein mentioned. Lib.* LL. N° 4. *fol.* 85. *PR.* Ditto.

CHAP. VIII.

An Act against false Packing of Tobacco. Lib. LL. N° 4. *fol.* 88. *OBS.* Ditto.

Re-enacted 1715, *ch.* 22, §. 7 and 8.

CHAP. IX.

An Act for Relief of Josiah Crouch *of* Kent *County, in confirming a certain Sale of Lands from* William Crouch, *to him and his Heirs. Lib.* LL. N° 4. *fol.* 89. *PR.* Ditto.

CHAP. X.

An ACT impowering the Justices of the several County Courts within this Province, to regulate the Bounds of the several Parishes within their respective Counties, when disputable; and for ascertaining the Time and Manner, when and how, the Forty Pounds of Tobacco per Poll shall become due and payable to the Minister or Incumbent of each Parish. *Lib.* LL. N° 4. *fol.* 91. Ditto.

FORASMUCH as it hath been represented to this General Assembly, that for Want of due Care in the first Division of the several Parishes within this Province, the Bounds of many of the said Parishes remain very uncertain and disputable, which heretofore hath been, and hereafter may be, the Occasion of many Debates and Controversies, as well between the several Incumbents, as the Vestries of such Parishes: For Prevention whereof for the future; Peramble.

II. Be it Enacted, *by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same*, That from and after the End of this present Session of Assembly, it shall and may be lawful for the Justices of the several County Courts within this Province, or the major Part of them, where the Bounds of any Parish, or Parishes, within their respective Counties are uncertain, or ambiguously expressed, to ascertain and regulate them for the future, and after having so done, to cause their Proceedings therein to be enter'd in the Records of their County Courts, there to remain for the satisfaction of those that at any Time hereafter shall have Occasion to have Recourse thereunto. County Courts impowered to ascertain and regulate the Bounds of Parishes where uncertain.

III. And

CHAP. X.

When a Pariſh lies in 2 Counties, the diſputable Bounds ſhall be ſettled by the Juſtices, &c.

III. **And whereas** ſome Pariſhes are ſo divided, as that they are partly contained in Two Counties; **Be it therefore Enacted** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That in every ſuch Caſe, the Juſtices of that County Court, wherein the diſputable Bounds of ſuch Pariſh is contained, or the major Part of them, ſhall determine the ſame; and cauſe ſuch their Determination to be entered in the Records of their County Court as aforeſaid.

The Incumbent's Salary to commence from the Day of his Induction,

IV. **And whereas** it appears to this General Aſſembly, that there is not as yet any Proviſion made by any Law of this Province, when, or after what Manner the Forty Pounds of Tobacco per Poll ſhall become due, and payable to the Miniſters or Incumbents of the ſeveral Pariſhes within this Province; which, heretofore, hath been the Occaſion of many Diſputes; **Be it therefore Enacted** *by the Authority, Advice and Conſent aforeſaid,* That when any Miniſter ſhall, at any Time hereafter, be lawfully admitted or inducted into any Pariſh within this Province, he ſhall not (by virtue of ſuch his Admiſſion or Induction) have, demand, or receive, from the Veſtry of ſuch Pariſh, the whole Forty Pounds of Tobacco per Poll for that Year in which he is admitted or inducted; but only ſuch proportionable Part of the ſame as ſhall be found to be his Due, computing the Time from the Day of his Induction, to the Time of laying the next Levy for the County in which his Pariſh lies. And when it ſhall ſo happen that any Miniſter or Incumbent, who hath been a Reſident in any Pariſh within this Province, ſhall die, or remove out of his Pariſh, then, and in ſuch Caſes, the Veſtry of that Pariſh wherein he was Incumbent, ſhall, at the Time of the Laying the next Levy for their County, pay to ſuch Miniſter if he be alive, or to his Executors or Adminiſtrators if he be dead, ſuch proportionable Part of the Forty Pounds of Tobacco per Poll, as ſhall be due to him for ſuch Part of the Year as he continued in the ſaid Pariſh, computing the ſame from the Time of the Laying the laſt Levy for the ſaid County, until the Time of ſuch his Death or Removal. And if any Miniſter or Incumbent, that ſhall at any Time hereafter be admitted or inducted into any Pariſh within this Province, ſhall die, or remove again out of the ſame, before any Levy be laid in that County where the ſaid Pariſh lies; then, the Veſtry of the ſaid Pariſh, ſhall, at the Time of the Laying the next Levy in their County, pay to ſuch Miniſter if he be alive, to his Executors or Admiſtrators if he be dead, ſo much of the Forty Pounds of Tobacco per Poll, as ſhall be due to him, computing the ſame from the Time of his Admiſſion or Induction, to the Time of his Death, or Removal, and no more; any Law, Statute, or Cuſtom, to the contrary notwithſtanding.

And on Removal or Death, to be paid to the Day of ſuch Removal, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI.

Paſſed 14th *Nov.* 1713. *An Act aſcertaining what ſhall be allowed to Grand and Petit-Jurors, in the Provincial and County Courts of this Province, and Evidences ſummoned to attend the ſaid Courts.* *Lib.* LL. N° 4. *fol.* 93. *EXP.*

To endure for 3 Years. A new Law made 1715, *ch.* 37.

CHAP. XII.

Ditto. *An Act for the Relief of* Henry Acton *of* Prince-George's *County, in making valid and effectual a certain Deed of Bargain and Sale, from* Gilbert Clarke *to* John Bayne. *Lib.* LL. N° 4. *fol.* 94. *PR.*

CHAP. XIII.

Ditto. *An Act for Killing of Wolves, Crows, and Squirrels.* *Lib.* LL. N° 4. *fol.* 96. *REP. in part* 1723, *ch.* 5; *and totally* 1728, *ch.* 7.

A Supplementary Act 1716, *ch.* 2; and another 1722, *ch.* 1, both which are repealed 1728, *ch.* 7.

CHAP. XIV.

Ditto. *An Act for the Payment and Aſſeſſment of the public Charge of this Province.* *Lib.* LL. N° 4. *fol.* 98.

CHAP.

CHAP. XV.

An Act for the Relief of John Cole *of* Charles *County, Carpenter. Lib.* LL. N° 4. *fol.* 99. *PR.* Passed 14th *Nov.* 1713.

CHAP. XVI.

An Act for the Naturalization of Stephen Rich, *of* Queen-Anne's *County, Carpenter, and his Children*; John Lamée, *of* Dorcheſter *County, Weaver, and his Children*; *and* Samuel Berry, *of* Kent *County, Carpenter. Lib.* LL. N° 4. *fol.* 100. *PR.* Ditto.

CHAP. XVII.

An Act reviving an Act of Aſſembly of this Province, entitled, * *An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other* Engliſh *or* Indian *Grain or Meal; Horſes, Mares, Colts or Fillies, from* Penſylvania, *and the Territories thereto belonging. Lib.* LL. N° 4. *fol.* 101. Ditto.

* 1704, *ch.* 43, hereby continued without Limitation, which is *REP.* 1715, *ch.* 49; and 1719, *ch.* 15. A new Law being made 1715, *ch.* 18.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 22d Day of *June*, and ended the 3d Day of *July*, in the 13th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq; Domini* 1714, were Enacted the Laws following. 1714.

JOHN HART, Esq; Governor.

CHAP. I.

An Act laying an Impoſition of Three Pence per Hogshead on Tobacco, for defraying the Public Charge of this Province. Lib. LL. N° 4. *fol.* 103. *EXP.* Passed 3d *July* 1714.

To endure for 3 Years. The Act of 1704, *ch.* 64, is hereby repealed.

CHAP. II.

An Act for ſettling a Revenue on her Majeſty's preſent Governor. Lib. LL. N° 4. *fol.* 104. *EXP.* Ditto.

Viz. Three Pence Sterling per Hogſhead on all Tobaccoes exported, ſo long as *J. Hart*, Esq; ſhall continue Governor.

CHAP. III.

An Act reviving and continuing an Act of Aſſembly of this Province, entitled, † *An Act for the ordering and regulating the Militia of this Province, for the better Security and Defence thereof; and for ſupplying ſome Defects therein. Lib.* LL. N° 4. *fol.* 105. *EXP.* Ditto.

† 1704, *ch.* 87, hereby continued 3 Years.

CHAP. IV.

An ACT for Relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law. *Lib.* LL. N° 4. *fol.* 106. Ditto.

A Supplementary Act 1728, *ch.* 24. For its ſeveral Continuations ſee the Note on the laſt Section.

WHEREAS during the late long and expenſive War, her Majeſty's good Subjects of this Province have greatly ſuffered, and many of them have been utterly ruined, not only by Loſſes at Sea of their Tobaccoes (which is their only Staple Manufacture) being taken by the Enemy, but alſo by the *European* Markets being ſhut up, by Reaſon of the Ex- Preamble.

CHAP. IV.

port to *France* and *Spain* in great Measure prohibited, ſo that very many honeſt and induſtrious Planters, her Majeſty's Subjects here, by the very Charges of neceſſary Clothing and Tools for themſelves and Families, are become vaſtly indebted; and no Proſpect as yet appearing of any Means whereby they may extricate themſelves out of their miſerable and deplorable Circumſtances, which are very much heightened and aggravated by their being ſued and brought to *Annapolis* from the remoteſt Parts of this Province, to their manifeſt Oppreſſion and Impoveriſhment: So that many of the good Inhabitants of this Province daily deſert their Habitations, and remove themſelves to Plantations and Colonies where they are far leſs ſerviceable to her ſacred Majeſty, and her Revenue of Cuſtoms of Tobacco; which calls for ſome ſpeedy and proper Remedy to be applied thereto. Wherefore this preſent General Aſſembly humbly ſupplicate her moſt ſacred Majeſty, that it may be Enacted;

Debtors to be ſued in the County Court for Debts, &c. not exceeding 20*l.* Sterling, or 5000 lb Tobacco,

II. **And be it Enacted,** *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, all Perſons whatſoever, reſiding, negociating or trading to or within this Province, having any perſonal Claim or Demand againſt any the Inhabitants of this Province, wherein the original Debt or Damages do not exceed the Value of Twenty Pounds Sterling, or Five Thouſand Pounds of Tobacco, ſhall (by virtue of this Act) be obliged to ſue and implead their ſeveral and reſpective Debtors in the ſeveral and reſpective County Courts where ſuch their Debtors inhabit and reſide, and not elſewhere; on Penalty of ſuffering a Non-ſuit, and paying the Defendant his reaſonable Charges, to be adjudged by the Juſtices of any other Court wherein they ſhall be ſued and impleaded; any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding.

on Penalty of Non-ſuit, &c.

No ſuit to be brought on Bond in any other than the County Court, unleſs the real Sum in the Condition amount to 20*l.* Sterling, or 5000 lb Tobacco.

III. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That where any Debt or Damages is demanded, by virtue of any Bond, or Writing Obligatory, the Penalty of ſuch Bond ſhall not, although it exceed Twenty Pounds in Money, or Five Thouſand Pounds of Tobacco, entitle any Plaintiff to bring his Action in any Court but the County Court, unleſs the real Sum in the Condition of ſuch Bond amounts to Twenty Pounds, or Five Thouſand Pounds of Tobacco; any thing in this Act, or any other Statute, Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Proviſo with regard to Covenants.

IV. **Provided always,** That nothing in this Act ſhall extend, or be conſtrued to extend, to debar or hinder any Perſon from bringing his Action in the Provincial or Superior Court, on any Covenant, or any Bond for the Performance of Covenants, or for the Performance or Sufferance of any Act or Acts, Thing or Things whatſoever, although the real Damages or Sum recovered be leſs than Twenty Pounds Sterling, or Five Thouſand Pounds of Tobacco, and ſo as the Penalty of ſuch Bond for the Performance of Covenants, or Performance or Sufferance of any other Matter or Thing whatſoever, exceed Twenty Pounds in Money, or Five Thouſand Pounds of Tobacco. But no Bond for Payment or Performance of any Bill of Exchange, ſhall be proſecuted in any Court but the County Court, unleſs the original or principal Sum mentioned in ſuch Bill of Exchange, and due on the ſame proteſted, ſhall amount to Twenty Pounds Sterling; any thing in this Act, or any other Statute, Law, Uſe, or Cuſtom, to the contrary notwithſtanding.

Bonds for Payment of Bills of Exchange how to be ſued.

V. **And whereas** the Juſtices of the ſeveral County Courts of this Province, by their Commiſſion, cannot hold Plea or Cognizance of any Sum above One Hundred Pounds Sterling, or Thirty Thouſand Pounds of Tobacco, and that it often happens that ſeveral Perſons, Inhabitants of this Province, have

have Occaſion to ſue their ſeveral Debtors, likewiſe Inhabitants as aforeſaid, on Bills, Bonds, or other Specialties; and that the penal or principal Sum for which ſuch Bill, Bond, or Specialty was paſſed, does exceed One Hundred Pounds Sterling, or Thirty Thouſand Pounds of Tobacco, on which Bill, Bond, or other Specialty a Sum under Twenty Pounds Sterling, or Five Thouſand Pounds of Tobacco remains due; ſo that the Plaintiff putting ſuch Bill, Bond, or other Specialty in Suit in the Provincial Court, muſt, by virtue of this Act be Non-ſuit, and the Juſtices of the County Court, by their Commiſſion not able to hold Cognizance of the ſame; by Means whereof the Party having Occaſion to put ſuch Bill, Bond, or other Specialty in Suit, was heretofore without Remedy: For Prevention whereof for the future, and that there may not be a Failure of Juſtice in ſuch Caſe; **Be it Enacted**, *by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of her Majeſty's Governor, Council and Aſſembly of this Province, and the Authority of the ſame*, That every Perſon or Perſons, Inhabitants of this Province, ſhall and may hereafter ſue and implead, in any County Court of this Province, where the Debtors reſide, any Perſon or Perſons, Inhabitants as aforeſaid, their Debtors, on any Bill, Bond, or other Specialty, the principal or penal Sum whereof exceeds One Hundred Pounds Sterling, or Thirty Thouſand Pounds of Tobacco; and on which Bill, Bond, or other Specialty, there is not due to Ballance above Twenty Pounds Sterling, or Five Thouſand Pounds of Tobacco, but ſhall be * above the Sum of Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight-pence Current Money; and the ſeveral Juſtices of the County Courts are hereby impowered to hold Cognizance of ſuch Suit brought on ſuch Bill, Bond, or other Specialty, and give Judgment for the juſt Ballance, with Coſts of Suit; their Commiſſion, any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

CHAP. IV.

County Courts may hold Plea, *&c.* of Specialties whoſe penal Sum exceeds 100*l.* Sterling, or 30000 ℔ Tobacco, wherein the Ballance due is not above 20*l.* Sterling, or 5000 ℔ Tobacco, and ſhall exceed 200 ℔ Tobacco, or 16*s.* 8*d.* Current Money.

* But by 1753, *ch.* 13, the County Courts ſhall not hold Plea of Debt or Damage which ſhall not exceed 600 ℔ Tobacco, or 50 Shillings Currency: Thoſe Cauſes being determinable by a ſingle Magiſtrate, by virtue of that Temporary Act.

VI. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That from and after the End of this preſent Seſſion of Aſſembly, if any Drawer or Indorſer of any Bill of Exchange, ſhall be ſued or proſecuted, in any Court of this Province, for any Sum of Money due upon any Proteſted Bill of Exchange, the Attorneys, proſecuting or defending any Action thereupon, ſhall not exact, demand, receive or take any more than one lawful Fee, for proſecuting or defending any Action upon any one Proteſted Bill, notwithſtanding there be two or more Indorſers, and the ſaid Drawer, ſued and proſecuted: And that it ſhall and may be lawful for the Plaintiff, in any Action to be brought on any Proteſted Bill, to put into any one Writ, two or more Defendants reſiding in one County, if Occaſion ſhall require; and ſhall not pay for the ſame any other Fee or Reward than for one Writ; and ſhall and may, at his Election, Declare againſt ſuch Defendants in one or more Declarations as he ſhall think fit; any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding.

Where two or more Indorſers, and the Drawer, are ſued upon any Proteſted Bill, no more than one Attorney's Fees ſhall be paid.

And the Plaintiff may file one or more Declarations on the ſame Writ.

VII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful to and for the Defendant, in any Writ iſſued, or to be iſſued out of the Provincial Court, after Arreſt, and Bail given to the Sheriff for his Appearance, and before the Return of ſuch Writ, to go before the Preſident, or any Two Juſtices of the County Court, where ſuch Defendant ſhall be Arreſted, with two ſufficient Free-holders, ſuch as the Juſtice or Juſtices, before whom ſuch Defendant ſhall go, ſhall approve of; and then and there give Special Bail to any Action, by virtue of ſuch Writ: Which Bail, ſo taken, ſhall be delivered to the Sheriff of ſuch County where the ſame is taken, to be by him returned with ſuch Writ to the Provincial Court. And the ſaid Bail ſo taken and returned to the Provincial Court with ſuch Writ, ſhall be as ſufficient as if taken before the Preſident of the County Court, after the Return of the Writ, and Appearance entered, according

Special Bail how to be taken, without perſonal Appearance in the Provincial Court.

CHAP. IV. to the Directions of the Act of Assembly * *For taking Special Bail in the County*; nor shall such Defendant be obliged to appear in proper Person, but by his Attorney, if he sees fit; any thing in the said Act, or any Law, Statute, Use, or Custom, to the contrary notwithstanding.

* The Act of 1704, *ch.* 52, referred to in this Section, is repealed, and the whole re-enacted 1715, *ch.* 28.

Persons absconding from Justice in their own County, &c.

VIII. **Provided always**, That this Act, or any Thing therein contained, shall not extend to the Benefit or Advantage of any Persons that shall abscond or fly from Justice in the County where they live; but that such Persons may be Arrested in any County where ever they be to be found.

Duration.

IX. This Act to † endure, from and after this Session of Assembly, for and during the End of Three Years, and to the End of the next Session of Assembly after the Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

† Farther continued by 1718, *ch.* 2; 1721, *ch.* 2; 1723, *ch.* 4; 1727, *ch.* 4; 1731, *ch.* 12; 1735, *ch.* 19; and expired in 1740. It was again revived by 1742, *ch.* 3, for 3 Years, &c. and continued by 1746, *ch.* 4; 1750, *ch.* 3; 1753, *ch.* 8; 1757, *ch.* 3; 1760, *ch.* 12; and 1763, *ch.* 4; for 3 Years, &c.

CHAP. V.

Passed 3d July 1714. *An Act reviving a certain Act of Assembly of this Province, entitled,* ‖ *An Act for Limitation of Officers Fees; and for supplying some Defects therein: And also reviving another Act of Assembly of this Province, entitled,* ‡ *An Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees. Lib.* LL. N° 4. *fol.* 110. *EXP.*

‖ 1704, *ch.* 86. ‡ 1707, *ch.* 11, hereby continued 3 Years.

Queen Anne Died on Sunday the 1 Aug. 1714.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 5th Day of *October*, in the 13th Year of the Reign of our Sovereign Lady ANNE, Queen of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq*; *Domini* 1714, was Enacted the Law following.

JOHN HART, Esq; Governor.

CHAP. VI.

Passed 5th October 1714. *An Act for assessing the Public Charge of this Province, and appointing a Committee to apportion the same for this present Year One Thousand Seven Hundred and Fourteen. Lib.* LL. N° 4. *fol.* 114.

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 26th Day of *April*, and ended the 3d Day of *June*, in the Firſt Year of the Reign of our Sovereign Lord King GEORGE, of *Great-Britain*, *France* and *Ireland*, Defender of the Faith, &c. *Annoq; Domini* 1715, were enacted the Laws following.

JOHN HART, Eſq; Governor.

CHAP. I.

A moſt joyful and juſt RECOGNITION of the immediate, lawful, and undoubted Succeſſion and Right of the Crown of *Great-Britain*, and of the Kingdoms and Dominions thereunto belonging. *Lib.* LL. N° 4. *fol.* 117. Paſſed 4th *May* 1715.

To the King's moſt Excellent Majeſty.

WE, Your Majeſty's moſt humble and loyal Subjects of this your Province of *Maryland*, your Majeſty's Governor and Council, and the Delegates of the ſeveral Counties, and Citizens, in this preſent General Aſſembly now convened; acknowledging, with a moſt thankful and joyful Senſe, the ineſtimable Bleſſings Almighty GOD hath vouchſafed to your Majeſty's Kingdom of *Great-Britain*, and the Dominions thereto belonging, in ſo happily preſerving your moſt ſacred Perſon, and peaceably Seating you on the Throne of your Royal Anceſtors; and not only ſo, but in bleſſing your Majeſty with a moſt Royal Progeny, of moſt excellent and rare Gifts and Virtues; eſpecially the Thrice Noble and Illuſtrious *George*, Prince of *Wales*, your Highneſs's moſt Noble Son, and his Children, ſo rare and invaluable a Bleſſing to us, and all your Majeſty's Subjects, Do, from the Bottom of our Hearts, yield the Divine Majeſty all humble Thanks and Praiſes for the ſaid ineſtimable Benefits and Bleſſings: And do beſeech your moſt excellent Majeſty, That, **it may be Publiſhed and Declared**, *by your Majeſty's Governor, Council, and Aſſembly of this Province, and* **Enacted** *by the Authority of the ſame*, That we, being bounden thereto, both by the Laws of GOD and Man, do Recognize and Acknowledge, and hereby Expreſs our unſpeakable Joys, that immediately upon the Diſſolution and Deceaſe of our late Sovereign Lady Queen *Anne*, of pious Memory, the Imperial Crown of the Realm of *Great-Britain*, and of all the Kingdoms, Dominions and Rights belonging to the ſame, did, by lawful and undoubted Succeſſion in the true Proteſtant Line, appertain and of Right belong to your moſt excellent Majeſty; and that you are, and of Right ought to be, by the Laws of your Realm of *Great-Britain*, our moſt gracious Sovereign Liege Lord GEORGE, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. in and to whoſe Princely Perſon and Progeny, your Succeſſors in the Proteſtant Line, as by Law eſtabliſhed, the Royal Eſtate, Crown and Dignity of the aforeſaid Realms and Dominions, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Juriſdictions and Authorities to the ſame belonging, are moſt fully, lawfully and intirely inveſted and incorporated, united, and for ever annexed; and thereunto we moſt humbly and faithfully do ſubmit, and oblige ourſelves, our Heirs and Poſterities for ever, until the laſt Drop of our Blood be ſpent: And do beſeech your Majeſty

CHAP. I. Majeſty to accept hereof, as the firſt Fruits, in this General Aſſembly, of our Loyalty and Faith to your Majeſty, and your Royal Progeny for ever.

May 4th, 1715. *On the Behalf of our Sovereign Lord* GEORGE, *by the Grace of* GOD, *of* Great Britain, France *and* Ireland, *King, Defender of the Faith*, &c. I Will this be a Law.

J. O. HART.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

Paſſed 3d *June* 1715. *An Act for Naturalization of* Thomas Harvey *of* Calvert *County, and his Children. Lib.* LL. N° 4. *fol.* 119. *PR.*

CHAP. III.

*An Act repealing an Act, entitled, * An Act for uniting* Newport *Hundred, now Part of* King and Queen's *Pariſh, to* William. and Mary *Pariſh, in* Charles *County; and for re-uniting the ſame to* King and Queen *Pariſh, in* St. Mary's *County. Lib.* LL. N° 4. *fol.* 119.

* 1706, *ch.* 7, which appeared to have been obtained by Miſrepreſentation; and is therefore hereby repealed.

CHAP. IV.

Ditto. An ACT for veſting in the Rector, Governors, and Viſitors of Free-Schools, and their Succeſſors for ever, a certain Lot of Land in the City of *Annapolis*, and an Houſe thereon erected, commonly called the *Kentiſh Houſe*; and impowering the ſaid Rector and Viſitors more eaſily to tranſact the Buſineſs of the ſaid Free-Schools. *Lib.* LL. N° 4. *fol.* 120.

Preamble, ſetting forth the Benefaction of Governor *Nicholſon*,

WHEREAS in the Year of our Lord GOD One Thouſand Six Hundred Ninety and Six, the Honourable *Francis Nicholſon*, Eſq; his then Majeſty's Captain-General, and Governor in Chief in and over this Province, excited by a laudable Zeal and pious Inclination of promoting a Free-School within the Town and Port of *Annapolis*, and being poſſeſſed of three Lots of Land in the ſaid Town, lying to the Foot of the Stadt-Houſe Hill, on the Eaſtward thereof, did not only freely give and beſtow one of the ſaid Lots lying to the Southweſt Side of the ſaid Lots, but alſo the Sum of Ten Pounds Sterling for and towards an Houſe to be built thereon, but did alſo prevail with a certain *Anthony*, alias *William Workman*, formerly of *Kent-Iſland*, but then of *Annapolis*, Inn-holder, to advance, give and beſtow One Hundred and Fifty Pounds Sterling more, for and towards the Building

and his Contract for building the School-houſe.

of the ſaid Houſe or Tenement on the aforeſaid Lot: And together with the ſaid *Workman*, and a certain *William Freeman*, of *Philadelphia*, Bricklayer, entered into Articles for the Building and Erecting the ſaid Houſe, to be held and enjoyed by the ſaid *Workman*, during his natural Life, and afterwards to remain over to the Uſe of the Free-Schools. In purſuance whereof the ſaid Houſe was erected on the Lot aforeſaid, and the ſaid *Anthony*, alias *William Workman*, in Conſideration of his Money ſo advanced, by Ordinance of the General Aſſembly had Liberty and Licence granted to him to keep an Ordinary in the ſaid Houſe, during his natural Life, free and diſcharged from the

Recital of the Act of 1695. *ch.* 24, confirming the ſaid Contract.

Payment of the Fine then impoſed by Law therefore. And the further to corroborate and aſſure the ſaid Lot and Houſe to the Rector, Governors and Viſitors and their Succeſſors for ever, to the Uſe aforeſaid, by an Act of Aſſembly made at the ſaid Town and Port of *Annapolis*, in *Ann-Arundel* County, in the Month of *July*, in the Year aforeſaid, entitled, *An Act for keeping good Rules and Orders in the Port of* Annapolis, it was, among other Things, therein Enacted, by the Authority of the ſaid Aſſembly, That all thoſe Deeds, Obligations, Writings and Evidences, made by and between his Excellency *Francis Nicholſon*, Eſq; Captain General and Governor of this Province, on the one Part, and *Anthony Workman*, of *Kent-Iſland*, in the County of *Talbot*, of

of the other, and *William Freeman*, Bricklayer, of *Philadelphia* in *Penſylvania*, of the other Part, concerning a Lot of Land in the ſaid Town, and building an Houſe thereon, to the Uſe of the ſaid *Anthony Workman*, during his natural Life, and after his Deceaſe to the Uſe of the Free-School of the ſaid Town for ever, bearing Date the Eighth Day of *June* One Thouſand Six Hundred Ninety and Six, and ordered to be recorded in the Journal of the Governor and Council, and of the Houſe of Delegates of that General Aſſembly, ſhould be of abſolute and full Force, and available in Law, to the Uſes therein expreſſed, according to the true Intent and Meaning thereof, any defect in Form, or want of Form in the ſame, notwithſtanding. But forasmuch as the ſaid Deeds, Obligations, Writings and Evidences, upon Search, are not found to be recorded in either of the ſaid Journals, they being defaced and torn, or can otherwiſe be diſcovered or found; the preſent Rector, Governors and Viſitors of Free-Schools have prayed, that, in order to confirm the ſaid Lot, Houſe and Tenements, to them and their Succeſſors for ever, to the Uſe aforeſaid, it might be Enacted; CHAP. IV.

II. **And be it Enacted**, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That the aforeſaid Lot and Houſes, or Tenements thereon erected, ſhall, in all Times to come, be deemed, reputed and taken, to be and remain, and be inveſted and remain in the aforeſaid Rector, Governors and Viſitors of the Free-Schools, and their Succeſſors, as in an indefeaſable Eſtate in Fee-ſimple, for ever, to the Uſe of the Free-School in the City of *Annapolis*, and to no other Uſe, Intent or Purpoſe whatſoever; the want of the ſaid Articles, Writings, or Evidences, or any other Grant or Conveyance of the aforeſaid Lot, from the ſaid *Francis Nicholſon*, Eſq; notwithſtanding. The Lot, and Houſes thereon, confirmed to the Rector, Governors, &c. to the Uſe of the Free-School in *Annapolis*, for ever.

III. **And inaſmuch** as the ſaid Rector, Governors and Viſitors lie under great Difficulties in procuring a Meeting of a competent Number of the ſaid Governors and Viſitors, as by the preſent Law for the Free-Schools, is directed to meet and conſult, and make Orders, for the better Management of the ſaid Schools, the Appurtenances and Incidents thereto; **Be it therefore Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for the ſaid Rector, and any Number of the ſaid Governors and Viſitors, not leſs than Five, on any ſpecial Occaſion ſo requiring, to meet together, conſult, direct, and manage the Affairs of the ſaid Schools, and execute the ſeveral Powers and Authorities in the aforeſaid Act preſcribed, without being under the Neceſſity of having the Majority of the Members of the Corporation preſent at ſuch Meetings: And that ſuch Orders, Rules and Directions, as ſhall by the Rector and ſuch Number of the Viſitors aforeſaid, not leſs than Five as aforeſaid, made and given, ſhall be of as good Efficacy and Force as if they were made and given by the Majority of the Members of that Corporation; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding. The Rector, and any Number of Governors and Viſitors, not leſs than Five, impowered to execute the Powers and Authorities given by the Act of 1696, *ch.* 17.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

An Act to ſupply certain Defects in the conveying of Lands from Matthew Beard *to* Stephen Wright; *and from* Stephen Wright *to* Samuel Chambers, *of* Ann-Arundel *County, Gent. Lib.* LL. N° 4. *fol.* 123. *PR.* Paſſed 3d *of June* 1715.

CHAP. VI.

An Act to ſupply an Omiſſion in the Writing the Laſt Will and Teſtament of Raphael Haywood, *late of* St. Mary's *County, Gent. deceaſed, and for ſettling an Eſtate of Inheritance in Fee-ſimple, on* Robert Scott, *Clerk, and* Charles Neal, *Planter*; *the Executors and Deviſees in the ſaid Will named. Lib.* LL. N° 4. *fol.* 125. *PR.* Ditto.

CHAP.

CHAP. VII.

Passed 3d *June* 1715.

An ACT ascertaining what Damages shall be allowed upon Protested Bills of Exchange. *Lib.* LL. N° 4. *fol.* 127.

No more than 20 per Cent Damages, with Costs, to be allowed on any Protested Bill of Exchange.

BE it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That there shall not be allowed to any Person or Persons whatsoever, having just Cause to implead any Person or Persons whatsoever, living or residing within this Province, upon any Bill of Exchange drawn for any Sum or Sums of Money whatsoever, payable in *England*, or elsewhere, and brought in here Protested, more than the Sum of Twenty Pounds per Cent Damages, over and above the Debt sued for and recovered, together with ordinary Costs of Suit; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Bills Protested and returned into the Province within Four Years after the Date, to be of equal Nature with Specialties, &c.

II. And be it further Enacted *by the Authority aforesaid*, That if any Person or Persons, draw any Bill of Exchange upon any Person or Persons, or Society or Company, in *England*, or elsewhere, out of this Province, and the same be Protested, and the Protested Bills be returned into this Province within Four Years after the Date of such Bills, that then the Debt or Damage occasioned by the Non-Acceptance or Non-Payment of such Bills, shall be accounted a Debt of equal Nature with any Specialty; and in Payment of Debts by Executors and Administrators be preferred before any other Debt which is not under Hand and Seal; such Executor or Administrator having timely Notice of such Protested Bills of Exchange; any Usage or Custom to the contrary notwithstanding.

Bills returned Protested within 18 Months, to be allowed 15 per Cent.

III Provided nevertheless, That in case any Bill of Exchange, to be drawn after the End of this present Session of Assembly, shall be returned into this Province Protested, within Eighteen Months from the Date of such Bill, there shall not be allowed above Fifteen per Cent, for the Damages thereon, besides the Costs as aforesaid; any thing before contained to the contrary notwithstanding.

Proviso.

IV. Provided, That this Clause, relating to Fifteen per Cent, on Bills of Exchange returned Protested in Eighteen Months, shall not be in Force till the End of One whole Year after the End of this Session of Assembly.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Passed 3d *June* 1715.

An Act to confirm and make valid in Law, all Manner of Process and Proceedings in the several Courts of this Province, from the Demise of her late Majesty Queen Anne, *of pious Memory, to the End of this present Session of Assembly.* *Lib.* LL. N° 4. *fol.* 128.

CHAP. IX.

Ditto.

*An Act declaring the Continuance of the * Payment of the Twelve Pence per Hogshead, from the Death of the late Right Honourable* Charles *Lord* Baltimore, *until the Twenty-ninth Day of* September *next.* *Lib.* LL. N° 4. *fol.* 129.

* Which had been settled on, and accepted by his Lordship, during his natural Life, in Consideration of his receiving Tobacco at 2 *d.* per ℔ in lieu of his Quit-Rents and Fines for Alienations. Several Sums being received by his late Lordship's Officers, as by virtue of the old Act, before Notice of the Determination thereof by his said Lordship's Decease; the present Act continues the said Duty 'till Michaelmas ensuing, to be paid to the Treasurers of the Province for the Use of the Lord *Benedict Leonard*, the present Proprietary, in case he should favourably accept the same, on the same Conditions as his noble Father had 'til that Time: Or in Case of his Refusal, then the said Duty, together with what had been already collected, to be applied towards defraying the Public Charge of the Province.

CHAP.

CHAP. X.

An ACT relating to the Standard of *English* Weights and Measures. *Lib.* LL. N° 4. *fol.* 130.

Passed 3d *June* 1715.

WHEREAS the Standards of *English* Weights and Measures are very much impaired in several of the Counties of this Province; and in some, wholly lost, or unfit for Use. Preamble.

II. Be it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That the Justices of the several County Courts shall, by all convenient Speed, at the Charge of their respective Counties, cause the Standards they already have, to be made compleat, and purchase new Standards where they have none. And for the better Preservation of them for the future, that they take good and sufficient Security, in his Majesty's Name, to the Use of the County where taken, from the Persons that shall be intrusted by them to keep such Standard, in the penal Sum of Fifty Pounds Sterling, " for the safe Keeping such Standard, and for the " due Execution of the Office of Standard-Keeper, and for the delivering the " same up in the like good Order they receive the same, when they shall be " legally discharged from such Trust;" under the Penalty of Five Hundred Pounds of Tobacco for each Justice of that County Court that shall omit to do what is required of them by this Act; the one Half to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in the Provincial Court of this Province against such Justices, jointly or severally, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

The County Justices, to compleat their Standards, or purchase new ones at the County Charge, and take Security of 50*l.* Sterling, from their Standard Keeper, &c. under Penalty of 500 lb Tobacco each.

III. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That all Persons, whether Inhabitants or Foreigners, shall repair and bring their Steelyards with which they weigh and receive their Tobacco, to the Standard yearly, and every Year, to be tried, stamped and numbered; for which they are to pay the Person keeping the Standard One Shilling for every Time such Steelyards shall be tried and stamped as aforesaid. And every Person or Persons shall have their Bushel, Half-Bushel, Peck, Gallon, Pottle, Quart and Pint, if they make Use of the same, or any of them, in Buying or Selling, duly tried and stamped at the Standard aforesaid, except such of the Measures aforesaid, as come out of *England*, and are there stamped; for which trying and stamping they shall pay Six-pence a Piece.

Steelyards for receiving Tobaccoes, to be tried, stamped, &c. yearly.

And Measures used for buying or selling, unless stamped in *England*.

IV. And whosoever shall presume to sell by any Dry-Measures, without first having the said Measures tried and stamped at the Standard, shall forfeit the Sum of Five Hundred Pounds of Tobacco.

No Person to sell by dry Measures unstamped, &c.

V. And whosoever, likewise, shall presume to weigh and receive Tobacco by Steelyards which have not, within One Year past from such weighing and receiving, been tried and stamped at the Standard, shall forfeit One Thousand Pounds of Tobacco, the one Half of which aforementioned Forfeitures to be paid to his Majesty, his Heirs and Successors, towards the defraying the Charge of the County where the Offender shall dwell or reside, and the other Half to the Informer or Informers; to be recovered in any County Court of this Province, by Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

Persons receiving Tobacco by Steelyards not tried, &c. within the Year, forfeit 1000 lb Tobacco,

VI. And if any Person or Persons shall refuse to pay any Tobacco by such Steelyards, tried and stamped as aforesaid, and shall thereby compel the Ow-

When Steelyards are questioned,

CHAP. X. and tried, &c. again within the Year, who shall pay for the Trial.

ner to have them tried over again within the Year; if the Steelyards are true, such Person so refusing or compelling as aforesaid, shall pay for the new Stamping; but if not, the Owners of the Steelyards to pay for the same.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI.

Passed 3d *June* 1715.

An ACT against Embezzlement of Wills or Records within this Province. *Lib.* LL. N° 4. *fol.* 132.

Preamble.

FORASMUCH as there is not any sufficient Remedy provided against such as shall embezzle, alter or raze any Records of Deeds, for conveying of Land within this Province, or any Will, or Records of Wills, or other Deeds or Instruments, that shall any ways touch or concern the Estate of Inheritance, or Freehold of any Person whatsoever; and for that it is found necessary to make some Provision against such evil Practices;

Persons embezzling, impairing, &c. of any Will, or Record, to the Damage of any Person's Estate, or Freehold, forfeit all their Goods and Lands, and shall also be pillored, nailed and cropped.

II. **Be it therefore Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That in case any Person whatsoever, shall, at any Time hereafter, be legally convicted, by Confession or otherwise, of wilfully or corruptly embezzling, impairing, razing or altering any Will or Record within this Province, whereby the Estate of Inheritance, or Freehold of any Person whatsoever, shall be defeated, injured, or any ways altered, such Person so convict, shall forfeit all his Goods and Chattels, Lands and Tenements; the one Half to our Sovereign Lord the King, his Heirs and Successors, for the Support of Government; the other Half to the Party grieved; and shall also be set in the Pillory for the Space of two Hours, and have both his Ears nailed thereto, and cut from off his Head.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XII.

Passed 3d *June* 1715.

An ACT for the speedy Recovery of small Debts, out of Court, before a single Justice of the Peace. *Lib.* LL. N° 4. *fol.* 133.

N. B. This Act was Repealed by the temporary Law of 1753, *ch.* 13, since Expired; and stands at present under a Repeal, by a like temporary Law of 1763, *ch.* 21.

Preamble.

FORASMUCH as it is requisite that there be some Remedy for the Recovery of small Debts whereof the Courts of Judicature have no Jurisdiction.

In all Cases wherein the real Debt, &c. doth not exceed 400 lb Tobacco, or 33 *s.* 4 *d.* in Money, a single Magistrate may determine, &c.

II. **Be it Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That in all such Cases wherein the real Debt or Damage doth not exceed Four Hundred Pounds of Tobacco, or Thirty-three Shillings and Four-pence in Money, it shall and may be lawful for any one Justice of Peace, of each respective County wherein the Debtor doth reside, to try, hear and determine the Matter of Controversy between the Creditor and Debtor; and upon full hearing of the Allegations of both Parties, shall give Judgment accordingly; and, if Need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered to carry the Person so committed to the Sheriff of the County, together with a Certificate or Mittimus from such Justice, wherein shall be certified the Debt and Cost whereof such Person shall be convict, by him to be safely kept, until Satisfaction, or other End thereof. Or otherwise that such Justice shall award Execution, on such his Judgment (directed to the Sheriff of the County) by Warrant or Mittimus, in the Nature of a *Capias ad Satisfaciendum*, *Fieri facias*, or otherwise.

III. And

III. And that in case, upon the Return of any Warrant, or any Complaint, issued by any such Justice, it shall appear that the Persons against whom the same shall issue, is not found; it shall and may be lawful for the Creditor to proceed in the several and respective County Courts for obtaining an Attachment, according to the Directions of the * *Act for suing out Attachments in this Province, and limiting the Extent of them*, against the Goods, Chattels and Credits of such Person, for any Sum exceeding Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight-pence in Money; any thing in the † *Act for the better Administration of Justice in the several Courts of this Province, and for Speedy Recovery of Debts*, &c. or any other Law, to the contrary, notwithstanding. CHAP. XII. On Return of *Non est* on a Justice's Warrant, the Creditor may sue out Attachment for any Sum above 200 lb Tobacco, or 16 *s.* 8 *d.* in Money.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* 1715, *ch.* 40. † 1715, *ch.* 41.

CHAP. XIII.

An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year One Thousand Seven Hundred and Fifteen. Lib. LL. N° 4. *fol.* 134. Passed 3d *June* 1715.

CHAP. XIV.

An ACT appointing certain Days on which the several and respective County Courts within this Province, are to be held. *Lib.* LL. N° 4. *fol.* 135. Ditto.

An explanatory Act 1756, *ch.* 6.

TO the Intent that Court-Days may be ascertained, and that the Commissioners of, and Suitors to, the County Courts, may know when to attend, Preamble.

II. Be it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That for the future there shall be held Four County Courts in the Year, *viz. Talbot, Baltimore*, and *St. Mary's* County, * the First Tuesday in *March*, *June*, *August* and *November*; *Dorchester*, *Cæcil*, *Ann-Arundel* and *Charles* County, the Second Tuesday in *March*, *June*, *August* and *November*; in *Kent*, *Calvert*, and *Somerset* County, † the Third Tuesday in *March*, *June*, *August* and *November*; in *Queen-Anne's* and *Prince-George's* County, the Fourth Tuesday in *March*, *June*, *August* and *November*. Four County Courts to be held annually in each County, and the Times ascertained.

* And *Worcester* County, 1742, *ch.* 19. † And *Frederick* County, 1748, *ch.* 15.

III. And that any ‖ Two Justices of the several and respective County Courts aforesaid, whereof one to be of the Quorum, shall have full Power and Authority, when and as often as Need shall require, to adjourn the said County Courts, Process and Proceedings therein depending, to such short Time after as they shall see convenient: And that the several Justices of the respective County Courts, shall, from the End of *June* Court next, adjourn their several Courts to the several Days hereby appointed. And that one former Act of Assembly of this Province, entitled, *An Act appointing Court Days in each respective County within this Province*, and every Clause therein, be, and are hereby repealed. Two County Justices may, when Need shall require, adjourn the County Court. The Act of 1708, *ch.* 12. repealed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

‖ By the Act of 1756, *ch.* 6, any such Two Justices, in case of Necessity to prevent the Discontinuance of the Court, and for no other Purpose, may call such County Court on the Day to which it was adjourned; and for the same Reason, and no other, may adjourn the same to any future Time not subsequent to the Day appointed by this Act for the Meeting of the Court in Course.

CHAP. XV.

Passed 3d June 1715.

An ACT for the Appointment of Conſtables, and what relates to their Office; and aſcertaining what Perſons are Taxables. *Lib.* LL. N° 4. *fol.* 136.

Supplementary Acts 1719, *ch.* 12; and 1752, *ch.* 7.

The County Juſtices ſhall appoint Conſtables in each Hundred, at their firſt County Court after Michaelmas, who ſhall take the Oaths to the Government, and alſo the Oath of a Conſtable.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That the Juſtices of Peace, in every reſpective County of this Province, at the firſt County Court held after Michaelmas, ſhall * appoint Conſtables in each Hundred of their ſeveral and reſpective Counties; and the ſaid Conſtables, ſo appointed, ſhall, before they enter into that Office, take the ſeveral Oaths appointed to be taken by all Officers by the Acts of Aſſembly of this Province, and the Oath of a Conſtable, in Form following, *(That is to ſay,)*

" *You* A. B. *ſhall well and truly ſerve our Sovereign Lord the King, in the Of-*
" *fice of a Conſtable. You ſhall ſee and cauſe that his Majeſty's Peace be well and*
" *duly kept, according to your Power. You ſhall arreſt all ſuch Perſons as in*
" *your Preſence ſhall commit any Riot, Fray, or other Breach of his Majeſty's*
" *Peace. You ſhall do your beſt Endeavour, upon Complaint to you made, to*
" *ſeize all Felons, Barretors, Rioters, or Perſons riotouſly aſſembled; and if any*
" *ſuch Offender ſhall make any Reſiſtance with Force, you ſhall levy Hue and Cry, and*
" *cauſe them to be purſued ſo as they may be taken. You ſhall do your beſt En-*
" *deavour that Hue and Cry be duly raiſed and purſued againſt Murderers, Thieves,*
" *and other Felons, and fugitive Servants. And the Laws and Orders againſt*
" *Vagabonds, and ſuch other idle Perſons, coming within your Limits, be duly put*
" *in Execution at your County Courts coming. You ſhall, ſo far as in you lies,*
" *put in Execution the Act of Aſſembly againſt profane Curſing, Swearing and*
" *Drunkenneſs; and alſo true Preſentment make of all Blood-ſheds, Affrays, Out-*
" *cries, Reſcues, and other Offences committed againſt his Majeſty's Peace, within*
" *your Limits. You ſhall well and truly execute all Precepts and Warrants to you*
" *directed from the Juſtices of the Peace of this County, or higher Officers. And*
" *you ſhall well and truly, according to your Power, Knowledge and Ability, do*
" *and execute all Things belonging to the Office of a Conſtable ſo long as you ſhall*
" *continue in this Office.* So help you GOD."

* By the Act of 1752, *ch.* 7, §. 2, the County Clerk ſhall ſignify ſuch Appointment within 5 Days, to the Sheriff, and the Sheriff to the Perſon appointed, within 10 Days, on Penalty of 20 Shillings Currency.

Perſons ſo appointed, refuſing to take the aforeſaid Oaths, &c. ſhall be fined 500 lb Tobacco.

II. AND if the Perſon or Perſons ſo appointed, ſhall, before any Juſtice of the Peace, refuſe to † take the ſeveral Oaths aforeſaid, or ſhall refuſe to provide a ſufficient Perſon to ſupply his Place, by ſerving in the ſaid Office, and taking the Oaths aforeſaid, that then ſuch Perſon, ſo refuſing, ſhall be fined to his Majeſty, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds of Tobacco, towards the defraying the Public Charge of that County, and that ſuch Juſtice of Peace before whom ſuch Refuſal ſhall be made, ſhall iſſue his Warrant to the Sheriff, to levy the ſaid Fine by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon ſo fined as aforeſaid, returning to him the Overplus; which ſaid Sheriff is hereby impowered and required to levy the ſame accordingly, and render an Account thereof to the Juſtices of Peace of that County at the Time of laying the County Levy.

† By the Act of 1752, *ch.* 7, §. 2, Perſons ſo appointed ſhall qualify themſelves by taking the ſaid Oaths within 5 Days after Notice given by the Sheriff of ſuch Appointment, under the Penalty in this Clauſe mentioned.

Conſtables to repair in Perſon, to every

III. AND be it Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That every Conſtable, ſhall, on or before the Twentieth Day of *June*, in every Year reſpectively, repair in Perſon to every Houſe or Habitation

CHAP. XV.

Habitation within his Hundred, and there require of the Master, Mistress, Dame, or other chief Person of the Family, a true List from under their Hands of all their Taxable Persons, distinctly to be named, they and every of them have within their respective Families; Out of which List the said Constable shall make two fair * Lists under his Hand; and one he shall send to the Sheriff of the County, and the other he shall present to the next County Court, to be set up.

Habitation in their Hundred, by the 20th of *June* yearly, and demand a List of Taxables, &c.

* By 1719, *ch.* 12, §. 6 and 7, Constables shall return their Lists of Taxables to the Sheriff, by the 1st of *August* yearly; shall carry unsettled Freemen before a Magistrate to give Security for their Levy, or be committed: And for not pursuing the Directions of these two Acts in taking and returning Taxables, shall forfeit 500 lb Tobacco; one Half to the County-Schools, the other Half to the Informer.

IV. And in case any Master, Mistress, Dame, or other chief Person of a Family, shall refuse, deny or delay to give such List, or in their Absence leave at their Dwelling-houses, or Quarters, such a List and Account of their Taxable Persons of their several Families, or in the said Account shall conceal any Taxable Person or Persons, in his or their Family; for every such Offence, or not giving a true List or Account of them as aforesaid, to the Constable by the Time required, and for every Taxable Person by them concealed, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco for every such Offence, † one Half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Informer, or him or them that will sue for the same; to be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

Masters, &c. of Families refusing or delaying, &c. to give such List; or concealing any Taxable, forfeit for every such Offence, and for every Taxable concealed, 500 lb Tobacco.

† By 1719, *ch.* 12, §. 2, Masters, &c. of Families concealing any Taxable, or not giving true Account thereof, pursuant to this Clause; shall, for every Taxable so concealed, or not given in, forfeit 500 lb Tobacco, one Half to the County-School, the other to the Informer.

V. And for the better ascertaining what Persons are, and shall be deemed Taxables, and what not; Be it Enacted, That all Male Persons, Residents in this Province, and all ‖ Female Slaves therein, of the Age of Sixteen Years, or above, shall be accounted Taxables; except Clergymen of the Church of *England*, having Benefices within this Province, and likewise such poor People as receive Alms from the County, and also all such Slaves as shall be adjudged by the County Court to be past Labour, who are hereby exempted; any Law, Usage, or Custom to the contrary notwithstanding.

What Persons shall be accounted Taxables.

What Persons are excepted.

‖ All Female Mulattoes born of White Women; and all Free Negro Women shall be Taxables, by 1725, *ch.* 4.

VI. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That all Constables within this Province shall obey, and are hereby obliged to execute, all Warrants and Precepts to them directed from any Justice or Justices within this Province, touching or concerning any Matter, Debt or Demand between Party and Party: And such Constable shall and may have, take, exact and receive from the Party complaining, a Fee of Two Shillings and Six-pence Current Money, or Thirty Pounds of Tobacco, for serving all the Precepts relating to any one Action, Matter or Demand, and no more.

Constables to obey and execute all Warrants, &c.

Their Fee.

VII. Provided, That where several Constables are to be employed in executing Precepts relating to one and the same Matter or Demand, the Justice before whom such Matter or Demand is determined, shall and may direct what Fee, not exceeding Two Shillings and Six-pence, or Thirty Pounds of Tobacco, each Constable shall have: Which Fee or Fees are to be levied by way of Execution on the Party complaining, and to be allowed the Party recovering, in his Costs.

Where several Constables are employed in one Demand; how they shall be paid.

Examined and Compared with the Original Act, Reverdy Ghiselin, Thomas Bacon.

CHAP.

CHAP. XVI.

Passed 3d *June* 1715.

An ACT prohibiting the carrying of Liquors to the *Indian* Towns, or ſelling any Quantity of Strong Liquors to the *Indians*, to prevent Differences between them and his Majeſty's Subjects; and to puniſh the Tranſporters of any Friend *Indian* or *Indians* out of this Province. *Lib.* LL. N° 4. *fol.* 139.

Penalty on Perſons carrying Strong Liquors to any *Indian* Town, *&c.*

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That from and after the Publication hereof, any Perſon or Perſons whatſoever, inhabiting or trading into this Province, that ſhall preſume to carry any Liquors whatſoever, to any *Indian* Fort or Town, or within Three Miles of any ſuch Fort or Town, and ſhall vend or diſpoſe of the ſame to any *Indian* or *Indians* whatſoever, ſuch Perſon or Perſons ſhall forfeit the Sum of Five Thouſand Pounds of Tobacco, one Half thereof to our Sovereign Lord the King, his Heirs and Succeſſors towards the Support of Government, the other Half to him or them that ſhall inform or ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

No Perſon to ſell to any *Indians* above one Gallon of Spirits, or above Five Gallons of Cyder, *&c.* in one Day.

Penalty.

II. **And whereas** it is repreſented to this General Aſſembly, that of late ſeveral Diſorders and Riots have been committed by drunken *Indians*: In order to prevent ſuch like future Miſ-feazances and Outrages; **Be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That if any Perſon or Perſons whatſoever, from and after the End of this preſent Seſſion of Aſſembly, ſhall, by himſelf or Servant, or otherwiſe, directly or indirectly, vend or ſell to any *Indian* or *Indians*, in the Space of one Day, above one Gallon of Rum, Wine, Brandy, or Spirits, or above five Gallons of Cyder, Perry, Quince-drink, or Strong Beer; ſuch Perſon or Perſons, being convicted thereof, ſhall forfeit the Sum of Three Thouſand Pounds of Tobacco to our Sovereign Lord the King's Majeſty, his Heirs and Succeſſors, the one Half thereof to be applied towards the defraying the County Charge, the other Half to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Perſons raiſing, *&c.* falſe Reports concerning the *Indians*.

III. **And forasmuch** as it is very obſervable and manifeſt, that ſundry ill-diſpoſed Perſons, have oftentimes, by ſpreading Lies and falſe Reports, raiſed and fomented unaccountable Heats and Jealouſies, between the *Indians* and his Majeſty's Subjects of this Province; for the Prevention of the ſaid ill Practices for the future, **Be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That if any Perſon or Perſons whatſoever, ſhall, wittingly or willingly, raiſe, ſpread and utter, any falſe, feigned Stories or Reports whatſoever, tending to the Diſquiet of the *Indians*, or making Feuds between them and his Majeſty's Subjects of this Province, or ſhall endeavour by any ſiniſter or unwarrantable Means whatever, to raiſe or create any Miſunderſtanding or Difference between his Majeſty's Subjects and the ſaid *Indians*; every ſuch Perſon or Perſons, convict of any ſuch Offence or Offences, ſhall forfeit unto our Sovereign Lord the King, his Heirs and Succeſſors, Five Hundred Pounds of Tobacco, the one Half thereof to his Majeſty, his Heirs and Succeſſors, for defraying the County Charge, and the other Half to him or them that ſhall inform or ſue for the ſame, in any County Court within this Province; to be recovered as aforeſaid.

Penalty.

This Act not to extend to Informations given to Magiſtrates, *&c.*

IV. **Provided** that this Act, or any Thing therein contained, ſhall not be conſtrued to extend to the Hinderance of any Perſon or Perſons whatſoever, from relating or giving an Information to any Juſtice of the Peace, or to the Commander

Commander in Chief of the Militia in any County within this Province, of any Difference they ſhall know, or hear of, betwixt his Majeſty's Liege People and the *Indians*, or amongſt the *Indians* themſelves, or of any Cauſe of Suſpicion of ſuch Difference, whether ſignified by Words or Actions. CHAP. XVI.

V. **And be it further Enacted,** *by the Authority aforeſaid,* That it ſhall not be lawful for any of his Majeſty's Subjects to buy or purchaſe, from any *Indian* or *Indians* whatſoever, any Guns or Match-Coats for Liquor, upon Pain of returning to the *Indian* or *Indians* ſuch Guns or Match-Coats by them purchaſed, and alſo of loſing the Price or Value of the Liquors ſold them for ſuch Guns or Match-Coats: Nor ſhall any of his Majeſty's Subjects whatever, truſt any *Indian* or *Indians* for Liquors, or take any Pawn or Pawns from them, on any Pretence whatſoever; on Pain of loſing their Debt for ſuch Liquors ſo credited to the *Indians* as aforeſaid, and being obliged to reſtore the *Indians* Pawns as aforeſaid, without any Reward or Satisfaction therefore; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding. No Perſons to buy Guns or Match-coats, or take Pawns from *Indians* for Liquors. Penalty.

VI. **And** to the End that no Breach of Peace may happen between the neighbouring *Indians*, and the Inhabitants of this Province; **Be it Enacted,** *by the Authority aforeſaid,* That any Perſon or Perſons whatſoever, that ſhall take, entice, ſurprize, ſell or tranſport, or cauſe to be ſold or tranſported out of this Province, or otherwiſe diſpoſe of any Friend *Indian* or *Indians* whatſoever, or attempt or endeavour ſo to do, without Licence from the Governor for the Time being, and all Acceſſaries thereunto, ſhall be fined and impriſoned at the Direction of the Governor and Council for the Time being, and that any Perſon or Perſons whatſoever, that ſhall inform againſt, or cauſe ſuch Offender or Offenders to be apprehended, ſhall have ſuch Satisfaction therefore as the Governor and Council ſhall think fit. Perſons taking, &c. any Friend *Indian* out of this Province, without Leave from the Governor, how puniſhable. The Informer's Reward how to be ſettled.

VII. **And be it further Enacted,** That the Governor for the Time being, may, as Occaſion ſhall require, appoint, in any County within this Province, three good and diſcreet Perſons, whereof any two ſhall and may hear and determine all or any ſuch * Matters of Controverſy, as ſhall ariſe between any the *Indians* and the Inhabitants of this Province, as to him it ſhall ſeem meet. Perſons appointed to determine Differences between the *Indians* aud *Engliſh*.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* By 1717, *ch.* 14, any ſingle Magiſtrate may determine ſuch Controverſies to the Value of 20 Shillings. And by 1756, *ch.* 9, the County Courts are to determine where the Matter in Diſpute exceeds the Value of 20 Shillings, *&c.*

CHAP. XVII.

An Act for Encouragement of Tillage, and Relief of poor Debtors. *Lib.* LL. N° 4. *fol.* 142. *EXP.* Paſſed 3d *June* 1715.

To endure for 3 Years. Continued 1719, *ch.* 11. A new Law made 1722, *ch.* 13.

CHAP. XVIII.

An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other Indian *or* Engliſh *Grain or Meal; Horſes, Mares, Colts or Fillies from* Penſylvania, *and the Territories thereto belonging.* *Lib.* LL. N° 4. *fol.* 144. *REP.* 1728, *ch.* 3. Ditto.

CHAP. XIX.

An ACT prohibiting all Maſters of Ships or Veſſels, or any other Perſon, from tranſporting or conveying away any Perſon or Perſons out of this Province, without Paſſes. *Lib.* LL. N° 4. *fol* 146. Ditto.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That from and after the Publication hereof, any Perſon or Perſons whatſoever, intending to depart this Province, Perſons intending to depart the Province, ſhall ſet up Notes thereof,

CHAP. XIX.

vince, ſhall firſt give Notice of his, her, or their intended Departure, by ſetting up his, her, or their Name or Names at the Secretary's Office of this Province, and alſo at the Door of the Court-houſe of the County where ſuch Perſons reſides at the Time of ſetting up ſuch Name as aforeſaid, the full Space of Three Months; that if in the Time aforeſaid, no Perſon ſhall underwrite the ſaid Perſon or Perſons ſo ſetting up his, her, or their reſpective Name or Names as aforeſaid, it ſhall be then lawful for the Governor, Keeper of the Great-Seal, or Secretary of this Province, for the Time being, upon Certificate thereof from the Clerk of the Provincial Court, and the Clerk of ſuch County, where ſuch Name ſhall be ſet up as aforeſaid, to ſign a Paſs or Paſſes to any ſuch Perſon or Perſons, to depart this Province; for which the Party ſhall pay to the Secretary for ſigning the ſame, the Sum of Two Shillings and Sixpence, and to the Clerk of the Provincial and County Courts Twelve Pence each. And if any Perſon or Perſons, upon any ſudden or emergent Occaſion, are neceſſitated to depart this Province, not having ſet up his, her, or their Names at the Secretary's Office, and County Court-houſe Door as aforeſaid, then ſuch Perſon or Perſons, giving good and ſufficient Security to the Governor, Keeper of the Great-Seal, or Secretary, to diſcharge and pay all Debts, Dues and Demands whatſoever, due, owing, or demandable from the ſaid Perſon to any of the Inhabitants of this Province, then the ſaid Perſon or Perſons may have a Paſs, containing a Certificate of ſuch Security given; for which ſhall be paid the ſame Fee as aforeſaid.

which if not under written in 3 Months, a Paſs may be granted.

The Secretary's and Clerk's Fees.

Perſons may have a Paſs, on giving Security for Payment of their Country Debts, without ſetting up Notes.

II. **And be it further Enacted**, That any Maſter of Ships or Veſſels, or other Perſons whatſoever, that ſhall tranſport or convey out of this Province, by Land or Water, any Perſon being indebted by Bill, Bond, or Account, or otherwiſe, to any Inhabitant thereof, without ſuch Paſs or Paſſes under the Hand of the Governor, Chancellor or Secretary as aforeſaid, ſhall be liable to ſatisfy all ſuch Debts, Engagements and Damages, to the Perſon or Perſons to whom ſuch Debts or Damages reſpectively ſhall be due, within this Province, except the ſame be otherwiſe ſatisfied; or that the Tranſporter or Conveyer away of ſuch Perſon or Perſons, procure ſuch Perſon or Perſons to return again within One Month after, whereby he may be liable to Juſtice here.

Maſters of Ships, &c. conveying Debtors, by Land or Water, out of this Province, without Paſſes, ſhall be liable to all Country Debts, &c.

III. **And** every ſuch Perſon as aforeſaid, as ſhall tranſport, or convey away out of this Province, any Servant or Servants, being Servants here by Condition for Wages, Indenture, or Cuſtom of the Country, ſhall be liable to pay and ſatisfy unto the Maſter or Owner of ſuch Servant or Servants ſo carried away, all ſuch Damages, as he or they ſhall make appear to be juſtly due to ſuch Maſter or Owner, for want of ſuch Servants; as the Court before whom ſuch Cauſe ſhall be tried, ſhall think fit.

Perſons conveying Servants out of the Province, ſhall ſatisfy Damages to the Owners.

IV. **And whereas** ſeveral ill-minded People, inhabiting and reſiding at the Head of the Bay, have commonly ſet Perſons over the Head of the Bay, and *Suſquehanna* River, being either Felons, Debtors, or Runaway Servants from the more remote Parts of this Province, for ſome ſmall Advantage they have in buying or getting ſuch Money, Goods, or Apparel; as ſuch Perſons ſo abſenting, or flying from Juſtice aforeſaid, have with them generally Money, Goods or Apparel, by them felonioufly purloined from their Maſters, and other Owners, by which Means they may more eaſily travel to any other Government, in Prevention and Delay of Juſtice, and to the great Damage of ſuch Creditors, Maſters or Owners aforeſaid: **Be it therefore Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That from and after the Publication hereof, no Perſon or Perſons, inhabiting or being at the Head of the Bay, or in any other Part of this Province, ſhall tranſport or convey, or cauſe to be tranſported or conveyed, over *Suſquehanna* River aforeſaid, or any Part of the Bay, above the North Side of *Saſſafras* River, on the Eaſtern Shore of the Bay; or over *Patowmack* or *Pocomoke* Rivers into the Colony

Perſons conveying Debtors or Servants into *Penſylvania* or *Virginia*, without Paſſes, or a Certificate from two County Magiſtrates under the County Seal, &c. ſhall be anſwerable to the Creditors, Maſters, &c. for all Debts or Damages.

Colony of *Virginia*; not having Paſſes ſo procured as aforeſaid; or a Certificate from under the Hands of two Juſtices of the Peace of the County where ſuch Perſon or Perſons, intending to travel, ſhall inhabit, and the County Seal affixed thereto, certifying the Freedom of ſuch Perſons, and that he, ſhe or they are clear, to the beſt of their Knowledge, from any Engagements impeding their Travelling as aforeſaid; on Penalty of anſwering all ſuch Debts or Damages, to Creditors, Maſters, or other Owners of Servants; to be recovered as by this Law is provided againſt ſuch as ſhall actually ſet them out of this Province. CHAP. XIX.

V. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That whatſoever Perſon or Perſons ſhall from henceforth entice, tranſport, or ſecretly carry, or ſend away out of this Province, any Apprentice, or other Servants or Slaves belonging to any Inhabitant in this Province, ſhall, for every ſuch Offence, forfeit and pay to the Employer or Owner of ſuch Apprentice, or other Servant or Slave, treble Damages and Coſts, to be adjudged by the Juſtices of each reſpective County Court, or the Juſtices of the Provincial Court, for the Time of ſuch Apprentices, or other Servants or Slaves, unlawfully being tranſported or carried away as aforeſaid. Perſons enticing, tranſporting, *&c.* any Apprentices, Servants or Slaves, out of the Province, forfeit treble Damages and Coſts.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

See the Act of 1753, *ch.* 9.

CHAP. XX.

An Act for the Relief of Peter Sewell, *a languiſhing Priſoner in* Calvert *County. Lib.* LL. N° 4. *fol.* 148. *PR.* Paſſed 3d *June* 1715.

CHAP. XXI.

An Act for Relief of Ezekiel Parr, *of* Cæcil *County. Lib.* LL. N° 4. *fol.* 152. *PR.* Ditto.

CHAP. XXII.

An ACT for ſecuring Merchants and Others Tobacco, after they have received it; and declaring the altering the Mark or Quality thereof to be Felony: And againſt Falſe Packing. *Lib.* LL. N° 4. *fol.* 155. Ditto.

N. B. This Act ſtands at preſent ſuſpended by the Inſpection Law of 1763, *ch.* 18.

Be it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That from and after the Publication hereof, every Houſe-Keeper and Inhabitant within this Province, having a Plantation whereon he maketh, or cauſeth to be made, any Tobacco, ſhall build and erect, or otherwiſe fit up and make ready, a good tight Houſe, with a good Door, Lock and Key, upon every Plantation where ſuch Tobacco is made as aforeſaid, and ſufficient to contain the Tobacco made on every Plantation. Every Tobacco Plantation ſhall have a good tight Tobacco Houſe built thereon.

II. **And be it further Enacted**, *by the Authority aforeſaid*, That every Inhabitant or Houſe-Keeper as aforeſaid, having a Plantation whereon he maketh, or cauſeth to be made, any Tobacco as aforeſaid, and that ſhall pay away, and diſpoſe of any Tobacco to any Merchant, Maſter of Ship, Sailor, or any other Perſon whatſoever, ſhall, notwithſtanding ſuch Diſpoſal or Payment, ſecure and keep the ſaid Tobacco, as he would do his own proper Goods, for and during the Space of one whole Year, commencing from the Time the Tobacco was Received as aforeſaid. And if any Tobacco, ſo received as aforeſaid, for want of ſuch Houſe as aforeſaid, ſhould be damnified or ſtolen, the Perſon neglecting to provide ſuch Houſe, ſhall make Satisfaction to the Party that received the ſame. Wherein the Planter ſhall ſecure all Tobaccoes by him paid away, as he would do his own proper Goods for One Year, or make good any Damage, *&c.*

III. **Provided always**, That nothing in this Act contained, ſhall be conſtrued, meant, or intended, to make any Inhabitant or Houſe-keeper liable Except thro' Caſualty.

CHAP. XXII.

to any Damage which ſhall or may happen, to any Tobacco ſo left with him to keep ſecure, through any other Caſualty whatſoever.

If Tobacco, ſo received and marked, be ſeized by the Sheriff in the Debtor's Tobacco-houſe, and ſuch Debtor refuſe to make other Satisfaction, any two Juſtices may award Execution, &c. for Debt and Coſts.

IV. **And be it Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That any Perſon or Perſons whatſoever, Merchants and Others, within this Province, that have at any Time within Twelve Months laſt paſt, received, marked or nailed, or for the future ſhall receive, mark or nail, any Hogſhead or Hogſheads of Tobacco, within this Province, of any Perſon or Perſons, Debtors, within the ſame, and which hath been paid and delivered to them for Satisfaction of their ſaid Debts, and ſuch Merchants or Others have, upon Receipt, marking and nailing ſuch Hogſhead or Hogſheads of Tobacco, delivered up their Bills, or other Security, to their reſpective Debtors, of their ſaid Debts; or if the ſaid Merchants or Others, have given Releaſes or Diſcharges, to their ſaid Debtors, of the ſaid Debt; and that before the ſaid Merchant or Others could remove the ſaid Hogſhead or Hogſheads of Tobacco from the ſaid Debtor's Tobacco-Houſes, if any Sheriff ſhall come and ſeize ſuch Tobacco, ſo marked and nailed as aforeſaid, that then, and in every ſuch Caſe, if the Party refuſe to make and give to the ſaid Creditors ſome other full Satisfaction for their ſaid Debts, it ſhall and may be lawful for any Two of his Majeſty's Juſtices of the reſpective Counties within this Province, upon due Proof thereof made before them, of the ſaid Debt and Sheriff's Seizure as aforeſaid, and the Party Debtor refuſing to make that full Satisfaction to their Creditors for their ſaid Debts, at the Creditor's Requeſt, to award him Execution, with ſuch Coſts, not exceeding One Hundred Pounds of Tobacco, againſt the Body, Goods or Chattels of ſuch Debtor, to be executed by the Sheriff, for Satisfaction of the Creditors juſt Debt and Coſts as aforeſaid, in as full and ample Manner, as if the Debt were recovered by due Courſe of Law.

Altering the Marks or Quality of Tobacco ſo reeeived (without Warrant from the Owner) ſhall be adjudged Felony, &c.

V. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the altering or ſcratching out of the Mark of any Tobacco, received and paid in Hogſheads, or altering or changing the Quality of Tobacco in Hogſheads ſo received or paid, either by Uncaſing or otherwiſe, without lawful Warrant in Writing under the Hand of ſuch Perſon who received the ſame, or for whoſe Uſe the ſame was received and paid, be deemed and adjudged Felony. And whoſoever ſhall be found guilty thereof, by Confeſſion, or by Verdict of Twelve Men, in any Court of Record within this Province, ſhall have Judgment to reſtore Fourfold to the Party grieved, and ſtand in the Pillory Two Hours, during the Court Time, with his Offence fairly written in Paper, and placed on the Back of ſuch Convict Perſon.

If proſecuted within a Year and a Day.

VI. **Provided**, That no Perſon be proſecuted on this Act for the aforeſaid Offence, after One Year and a Day from the Time of the Offence committed.

What ſhall be deemed Falſe Packing.

VII. **And** to prevent the fraudulent Practices uſed in Packing Tobacco in Hogſheads; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if any Perſon or Perſons, having the Poſſeſſion, Property, Rule, Directions, Overſeeing or Government, of any Plantation, or Place where Tobacco is or ſhall be made, ſhall uſe any fallacious, fraudulent or deceitful Means or Practices, to conceal or hide any Froſt-bitten, traſhy Ground-Leaves, or ſmall dull Scrubs, or any Stalks, Stems, Wood, Stones, Dirt, or any other manner of Traſh, or old decayed Tobacco, in the inward Parts of ſuch Hogſhead, when the Generality of ſuch Tobacco as ſhall be packed in the outward Parts is good, ſound and merchantable; or that it ſhall be deemed or adjudged by the Court or the Jury before whom ſuch Matter ſhall be Tried or called in Queſtion, that ſuch Packing falls within the ancient common received Notion of what Falſe Packing has been hitherto reputed to be; and any ſuch Hogſhead or Caſk of Tobacco pay, or offer or tender to pay away, on any Account whatſoever, that then the Perſon or Perſons that ſhall pack, or

or cauſe to be packed any ſuch Tobacco, in ſuch Manner as aforeſaid, or wittingly ſuffer the ſame ſo to be, ſhall for every Hogſhead that they ſhall ſo pack, or cauſe or wittingly ſuffer to be ſo packed and paid, or offered or tendered to be paid away, forfeit and pay the Quantity of One Thouſand Pounds of good, ſound, merchantable Tobacco in Caſk, the one Half thereof to our Sovereign Lord the King, his Heirs and Succeſſors, towards the defraying the Charge of the County where ſuch Fact ſhall be committed, the other Half to the Party grieved; or in Default of Proſecution by the Party grieved within Three Months after Notice of ſuch Fact committed, to the Informer, or to him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

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Perſons guilty thereof, and offering any Hogſhead of Tobacco ſo packed, in Payment, ſhall forfeit for every ſuch Hogſhead, 1000 lb good Tobacco in Caſk;

VIII. **And whereas** ſeveral People may complain it will be an Hardſhip upon them to throw away all their ſmall, dull, ſcrubby Tobacco and Ground-Leaves; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if any Perſon or Perſons ſhall pack any ſuch Tobacco, in Caſk or otherwiſe, by itſelf, without facing it with good Tobacco, with Deſign of Deceit; and ſhall, before Sale of ſuch Tobacco, declare to the Party purchaſing ſuch Tobacco, the Nature and Quality thereof, they ſhall not incur the Penalties before in this Act impoſed on ſuch, as falſe-packed Tobacco; any thing in this Act to the contrary notwithſtanding.

But Perſons declaring the Quality before Sale, ſhall not incur the Penalty.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIII.

An ACT for Limitation of certain Actions, for avoiding Suits at Law. *Lib.* LL. N° 4. *fol.* 158.

Paſſed 3d *June* 1715.

FORASMUCH as nothing can be more eſſential to the Peace and Tranquility of this Province, than the Quieting the Eſtates of the Inhabitants thereof; and for the Effecting of which no better Meaſures can be taken, than a Limitation of Time for the commencing of ſuch Actions, as in the ſeveral and reſpective Courts within this Province are brought, from the Time of the Cauſe of ſuch Actions accruing.

Preamble.

II. **Be it Enacted**, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That all Actions of Treſpaſs *Quare Clauſum fregit*, all Actions of Treſpaſs, Detinue, Sur-Trover, or Replevin for taking away Goods or Chattels, all Actions of Account, Contract, Debt, Book, or upon the Caſe, other than ſuch Accounts as concerns the Trade or Merchandize between Merchant and Merchant, their Factors and Servants which are not Reſidents within this Province, all Actions of Debt for Lending, or Contract without Specialty, all Actions of Debt for Arrearages of Rent, all Actions of Aſſault, Menaces, Battery, Wounding and Impriſonment, or any of them, ſhall be ſued or brought by any Perſon or Perſons within this Province, at any Time after the End of this preſent Seſſion of Aſſembly, ſhall be commenced or ſued within the Time and Limitation hereafter expreſſed, and not after, *(That is to ſay,)* the ſaid Actions of Account, and the ſaid Actions upon the Caſe, upon ſimple Contract, Book-Debt, or Account, and the ſaid Actions for Debt, Detinue and Replevin for Goods and Chattels, and the ſaid Actions for Treſpaſs *Quare Clauſum fregit*, within Three Years enſuing the Cauſe of ſuch Action, and not after; and the ſaid Actions on the Caſe for Words, and Actions of Treſpaſs of Aſſault, Battery, Wounding and Impriſonment, or any of them, within One Year from the Time of the Cauſe of ſuch Action accruing, and not after.

What Actions ſhall be brought within Three Years.

What within One Year after Cauſe of Action.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That if any Perſon, entitled to any the Action or Actions aforeſaid, ſhall be, at the Time of

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A Saving to Infants, *Femme Coverts*, &c.

any ſuch Cauſe of Action accruing, within the Age of One and Twenty Years, *Femme Covert*, *Non compos Mentis*, Impriſoned, or beyond the Seas; that then ſuch Perſon or Perſons ſhall be at Liberty to bring the ſaid Action or Actions, within the reſpective Times before limited, after their coming to, or being of, full Age, ſound Memory, at large, or returned from beyond the Seas, as other Perſons having no ſuch Impediment, might or ſhould have done.

Perſons abſenting out of the Province, or removing from County to County, ſhall have no Benefit of this Limitation.

IV. And forasmuch as divers Diſputes formerly aroſe, whether Perſons abſenting the Province, or wandering from County to County until the Time by the late Act, for the Reaſons and Purpoſes aforeſaid limited and allowed, were expired, ſhould have any Benefit thereby; and different Judgments given thereon in the ſeveral and reſpective Counties within this Province, for that the ſaid Act was altogether ſilent; Be it therefore Enacted, *by the Authority aforeſaid*, That from and after the Publication hereof, no Perſon or Perſons whatſoever, abſenting themſelves out of this Province, or that ſhall remove from County to County, after any Debt contracted, whereby the Creditor or Creditors may be at an Uncertainty of finding out the ſaid Perſon or Perſons, or his or their Effects, ſhall have any Benefit by the Limitation or Reſtriction in this Act ſpecified.

Proviſo in Favour of ſuch as remove, &c. for Conveniency, or leave Effects ſufficient to pay their juſt Debts.

V. Provided always, and it is the true Intent and Meaning hereof, That this Act, or any thing herein contained, ſhall not be conſtrued, reputed or taken, to prejudice or debar any Perſon removing himſelf or Family, from one County to another, for his Conveniency; or any Perſon, leaving this Province for the Time and Term in this Act limited, from the Benefit thereof; he leaving Effects ſufficient and known, for the Payment of his juſt Debts, in the Hands of ſome Perſon or Perſons, who will aſſume the Payment thereof to his Creditors; any thing in this Act contained to the contrary hereof in any wiſe notwithſtanding.

No Specialty whatſoever (except to the Uſe of his Majeſty, &c.) to be good and pleadable after Twelve Years, &c.

Except Infants, &c.

VI. And be it further Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That no Bill, Bond, Judgment, Recognizance, Statute Merchant, or of the Staple, or other Specialty whatſoever, except ſuch as ſhall be taken in the Name, or for the Uſe of our Sovereign Lord the King, his Heirs and Succeſſors, ſhall be good and pleadable, or admitted in Evidence againſt any Perſon or Perſons of this Province, after the principal Debtor and Creditor have been both Dead Twelve Years, or the Debt or Thing in Action above Twelve Years ſtanding: Saving to all Perſons that ſhall be under the aforementioned Impediments of Infancy, Coverture, Inſanity of Mind, Impriſonment, or being beyond the Sea, the full Benefit of all ſuch Bills, Bonds, Judgments, Recognizances, Statutes Merchant, or of the Staple, or other Specialties, for the Space of Five Years after ſuch Impediment removed; any thing in this Act before mentioned to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

Paſſed 3d *June* 1715.

An ACT to declare how the Forty Pounds of Tobacco per Poll, in ſuch Pariſhes where there is no Incumbent, ſhall be diſpoſed of. *Lib.* LL. N° 4. *fol.* 160.

Preamble.

Defects of the Act of 1702, *ch.* 1.

WHEREAS by an Act of Aſſembly, made at a General Aſſembly begun and held at the Port of *Annapolis*, the Sixteenth Day of *March*, One Thouſand Seven Hundred and One, entitled, *An Act for the Eſtabliſhment of Religious Worſhip in this Province, according to the Church of* England, *and for the Maintainance of Miniſters*, there is no Proviſion made where there is a Vacancy, or no Incumbent in a Pariſh, how or to what Uſe the Forty Pounds of Tobacco per Poll ſhall be applied: Therefore the Burgeſſes and Delegates of this preſent General Aſſembly pray that it may be Enacted;

II. And

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II. **And be it Enacted,** *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That what Tobacco of the said Forty per Poll, hath, is, or shall become due, in any Parish where there is, hath, or shall be no Incumbent, the said Tobacco shall be employed and applied to and for the Uses following, *(That is to say)* by the Vestry-men of each respective Parish, who are hereby impowered to dispose thereof, for and towards the repairing such Churches as are already built, finishing and compleating the Insides thereof, as the said Vestry-men shall think fit, or for the purchasing a Pulpit-Cloth, Cushion, Bible, or Common-Prayer Book, or Church-Plate, for the Use of the said Church: And if any Vestry hath already applied or laid out the said Tobacco, or any Part thereof, to the Uses aforesaid, such Application or Disposal is hereby confirmed.

The 40 per Poll, during the Vacancy, may be applied to the repairs, or finishing the Inside of Churches, &c.

III. **And be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That in any Parish where the Church is old, or so out of Repair as not fit to be made Use of, and shall be so adjudged by the Vestry-men of such Parish, it shall and may be lawful to and for such Vestry-men, to apply the said Forty Pounds of Tobacco per Poll for the Building of a new one: And if it hath, or shall so happen, by Reason of a long Vacancy in such Parish, that there shall be no Occasion to apply the said Tobacco to the Uses aforesaid, or if any such Tobacco, after such Application, hath or shall remain in the Hands of the Vestry, the said Vestry are hereby directed and impowered to purchase therewith, either a Plantation with a Tract of Land, or a certain Tract of Land as near and contiguous to the Church belonging to such Parishes as may be. And if there be no Church in such Parishes, then to purchase a Tract of Land as may be most convenient for the Inhabitants thereof, and build a Church thereon: Which Plantation, or Land, shall be, and for ever remain, as a Glebe, to the Use of the Ministers of such Parish for the Time being, who shall be lawfully inducted and appointed, according to the Usage of the Church of *England,* and this Province. And if there shall happen in any Parish to be Tobacco, over and above answering the Uses aforesaid, it shall be employed to the Improvement and Stocking such Glebe, as the Vestry shall judge most proper.

Or where Churches are decayed, for building new ones,

or if no such Application be necessary, then to the Purchase of a Glebe, &c.

and any Overplus, to the Stocking such Glebe.

IV. **And forasmuch** as by the said recited Act, there is nothing allowed to the Sheriff for collecting the said Forty Pounds of Tobacco per Poll, and paying the same to the Incumbent or Vestry; **Be it Enacted,** *by the Authority aforesaid,* That the Sheriffs of each respective County, shall have allowed him or them, out of the said Forty Pounds of Tobacco per Poll, which they shall pay to such Vestry or Incumbent, Five Pounds of Tobacco per Cent, for collecting and paying the same, and no more; any Law, Statute, or Usage to the contrary notwithstanding.

Sheriffs to have Five per Cent for collecting the 40 per Poll.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXV.

An ACT for the Publication of all the Laws of this Province, and for the Recording the same in the Secretary's Office; as also for transmitting the Journal of the Council in Assembly, and of the House of Delegates into the said Office, to the End that no Person may be ignorant of the Laws in this Province. *Lib.* LL. N° 4. *fol.* 162.

Passed 3d *June* 1715.

BE it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That from henceforward, all the Acts that shall pass from this, and all the succeeding Assemblies, shall be from Time

The Acts of every Session to be sent to the Sheriff of each respective County,

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Time to Time fairly * Tranſcribed on Parchment, or, for want thereof, on good Paper with a Parchment Cover, and by Writ under the Great Seal of this Province, from Time to Time, by the Keeper of the Seal for the Time being, to the Sheriff of each reſpective County ſhall be tranſmitted, and Commandment to them in the ſaid Writs ſhall be given, "The ſaid Acts in their "ſeveral and reſpective Counties, at their next County Court, to Publiſh and "Proclaim, firmly to be obſerved and kept, and lodged with the Clerk of "each reſpective Court, for the uſe thereof."

under the Great-Seal, and publiſhed at their next County Court, &c.

* The Laws at preſent are not Tranſcribed, but Printed and tranſmitted under the Great Seal to the ſeveral Counties; for which the Printer has an Allowance, from Time to Time, by Temporary Laws.

The Chancellor to be paid by the ſeveral Counties.

II. **And be it further Enacted,** *by the Authority aforeſaid,* That every ſeveral and reſpective County, ſhall, from Time to Time, pay to the Chancellor for the Time being, for ſuch Tranſcript of the Laws, ſo much Tobacco as by the ſaid General Aſſembly, in which the ſaid Laws are made, ſhall be aſſeſſed and allowed.

Proviſo with reſpect to this preſent Seſſion.

III. **Provided always,** That becauſe there is not Parchment now to be had in the Province, for tranſcribing the Laws of this preſent Seſſion, to be ſent to the Counties, that, for this Seſſion only, good Paper ſhall be accepted to tranſcribe the ſeveral Laws therein.

All Acts to be tranſmitted (within 10 Days) to the Secretary's Office, and there recorded under the Secretary's Seal. The Clerks to make Oath of their having examined the Record by the Original Acts: All which to be done within 6 Months.

IV. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That all the Acts of Aſſembly which ſhall be enacted this preſent Seſſion, and all the ſucceeding Seſſions of Aſſembly, ſhall (within Ten Days after the End of each Seſſion) be tranſmitted into the Secretary's Office, and the Secretary for the Time being, ſhall (upon Receipt of the ſaid Acts into his Office) cauſe the ſaid Acts to be entered upon Record, in a very fair legible Hand, and in a good ſubſtantial Book, bound with Leather or Parchment Cover, with large Margins, and alſo Alphabet the ſaid Book in good Order, and affix the Seal of his Office thereto. And the Clerk or Clerks, that do Record the ſaid Acts, ſhall make Oath before the Governor of this Province for the Time being, or before One of his Majeſty's Council, or Two of the Juſticcs of the Provincial Court, That "he or they have carefully Ex-"amined the Record of the ſaid Acts by the Original Acts which have paſſed "the Great Seal." All which ſhall be done within Six Months ſucceſſively after the End of each Seſſion.

Penalty on the Secretary making Default herein.

V. **And** in caſe the Secretary ſhall not purſue the Directions of this Act, but ſhall make Default, he ſhall forfeit the Sum of Ten Thouſand Pounds of Tobacco for every ſuch neglect; the one Half thereof to his Majeſty, his Heirs or Succeſſors, for the Support of the Government of this Province, and the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

The Clerks of both Houſes to tranſmit fair Tranſcripts of the Journals into the Secretary's Office within 2 Months.

Penalty.

VI. **And be it Enacted,** *by the Authority aforeſaid,* That the Clerk of the Council in Aſſembly for the Time being, and the Clerk of the Houſe of Delegates for the Time being, ſhall tranſcribe the reſpective Journals, of the Council in Aſſembly and of the ſaid Houſe, into two ſeveral fair Books, and in a good fair legible Character, within two Months after the End of each Seſſion, and ſhall tranſmit the ſame, ſo tranſcribed, into the Secretary's Office, there to remain; and the Secretary is required by this Act to receive the ſame accordingly. And the Clerk or Clerks making Default, ſhall forfeit Five Hundred Pounds of Tobacco each for every Offence; the one Half to his Majeſty, his Heirs or Succeſſors, for the Support of Government of this Province, and the other Half to him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

VII. And

VII. **And be it Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the Secretary shall be allowed for Recording the said Acts, in the Public Levy, so much as the General Assembly shall think the said Secretary shall reasonably deserve.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXV. The Secretary to be paid, in the Public Levy, for recording the Acts.

CHAP. XXVI.

An ACT for the Speedy Trial of Criminals, and ascertaining their Punishment in the County Courts when prosecuted there; and for Payment of Fees due from Criminal Persons. *Lib.* LL. N° 4. *fol.* 164.

Passed 3d *June* 1715.

WHEREAS many Acts of Assembly have been heretofore made against Thieving and Stealing, which at this present are not sufficient to prevent the committing those Crimes, or to punish them when committed; **Be it therefore Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That it shall and may be lawful to and for the several Justices of the County Courts of this Province, to hold Plea of, adjudge, and in lawful Manner determine, all Thieving and Stealing of any Goods or Chattels whatsoever, not being above the Value of One Thousand Pounds of Tobacco (Robbery, Burglary, and House-Breaking excepted) and every Person or Persons legally convicted of any such Thieving and Stealing (except before excepted) by Testimony of one sufficient Evidence, not being the Party grieved, before any such County Court as aforesaid, shall and may cause to be punished by paying Four-fold of the Value of the Goods so Thieved or Stolen as aforesaid, and the Stolen Goods returned to the Party or Parties grieved thereby, and by putting in the Pillory, and Whipping so many Stripes as the Court before whom such Matter is tried, shall adjudge, not exceeding Forty: Which Court shall always adjudge the Value of the Goods so Thieved and Stolen as aforesaid. And if any such Person, so convicted, have not sufficient Goods and Chattels, or be a Servant whereby he is incapable to have Goods and Chattels to satisfy and pay the said Four-fold, in every such Case, such Person or Persons shall receive the corporal Punishment as aforesaid, and satisfy the Four-fold, and Fees of Conviction, by Servitude.

Preamble.

County Courts impowered to adjudge all Thieving and Stealing under the Value of 1000 lb Tobacco, (Robbery, Burglary and House breaking excepted) how to be punished. The Four-fold and Fees in what cases to be paid by Servitude.

II. **And be it hereby Enacted and Declared**, *by the Authority, Advice and Consent aforesaid*, That the Time of Service of a Free Person convict as aforesaid, not having Goods and Chattels as aforesaid, shall commence from the Time of his Conviction as aforesaid. And the Time of Service of a Servant, convict as aforesaid, shall commence at the Expiration of such Time of Servitude, to which, at the Time of his Conviction, he stood bound. Which Time of Servitude, for Satisfaction for the Stolen Goods, and Fees accrued as aforesaid, shall be adjudged by such County Court, either to the Party grieved, or any other Person the Court shall order such Convict to, that will then and there pay, or secure to be paid, the Four-fold and Costs aforesaid, at the Discretion of the Court. And if any Person or Persons shall receive or take Part of such Stolen Goods, or assist the Person so Stealing as aforesaid, to make away, or conceal them, being legally convicted as aforesaid, shall suffer the same corporal Pains with the Party Stealing as aforesaid, any Law, Statute, Usage, or Custom to the contrary notwithstanding.

The Servitude of a free Person, to commence from the Conviction; of a Servant, at the Expiration of his present Servitude, to be adjudged by the Court. Receivers and Aiders to suffer like corporal Punishment with the Thief.

III. **And** if any Person or Persons have been once convicted of any such Thieving and Stealing (except before excepted) and shall after be again presented for Thieving and Stealing of any Goods or Chattels, laid to be above the Value of Twelve Pence, it shall not be tried and determined by any County

Such Convicts being again presented, &c. shall be tried in the Provincial Court.

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County Court; but the Party preſented, upon ſuch Preſentment, ſhall be proceeded againſt in the Provincial Court, as a Felon for ſimple Felony; but ſhall not be puniſhed by Death, but only paying the Four-fold, branding with a hot Iron, or ſuch other corporal Puniſhment as the Court ſhall adjudge, ſaving Life. And ſuch Preſentment ſhall be, by the Clerk of every ſuch County Court immediately ſent to the then next Provincial Court, together with a Tranſcript of his former Conviction, if ſuch Conviction was in the ſame Court where the Preſentment aforeſaid ſhall be; or otherwiſe, made known to the Attorney-General in what other Court ſuch former Conviction was, if to him known; under the Penalty of Five Hundred Pounds of Tobacco to our Sovereign Lord the King, his Heirs and Succeſſors, for the Support of Government. And the Parties Witneſſes againſt ſuch Felons, if in Court at the Time of ſuch Preſentment, ſhall be bound over to give Evidence as aforeſaid; or otherwiſe, if not in Court, an Account of their Names and Places of Dwelling to be ſent to the Attorney-General, to be ſummoned againſt the then next Provincial Court, in order to ſuch Trial. And the Party preſented, if in Court, to be bound over alſo, by due Courſe of Law to anſwer ſuch Preſentment; or, if not in Court, proceeded againſt by due Courſe of Law as aforeſaid.

Such Preſentment, together with a Copy of the former Conviction, to be ſent to the next Provincial Court by the County Clerk, on Penalty of 500lb Tobacco.

Evidences to be bound over to the Provincial Court; and alſo the Party preſented.

IV. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That any Perſon or Perſons whatſoever, that ſhall kill any unmarked Swine, above Three Months old, if not upon his or their own Land, or not in Company with his or their own Stock, ſhall, and is hereby adjudged an Hog-Stealer, and ſhall be liable to reſtore Four-fold, and ſuffer ſuch corporal Pains as againſt the firſt Offence in this Act mentioned.

Perſons killing unmarked Swine to be adjudged Hog-ſtealers, &c.

V. **And** to prevent any Perſon or Perſons concealing or diſfiguring the Mark of any Swine killed as aforeſaid; **Be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That if any Perſon or Perſons, killing any ſuch unmarked Swine in the Woods, or elſewhere, and ſhall wilfully diſfigure the Mark, or cut off the Ears of ſuch Swine, ſo as to conceal the true and real Mark, or whether it were mark'd or not, ſhall be deemed and adjudged a Hog-Stealer within the Purview of this Act, and ſhall ſuffer accordingly.

Perſons concealing or diſfiguring the Marks of Swine ſo killed, by cutting off their Ears, &c. to be adjudged Hog-ſtealers, &c.

VI. **And** to prevent the abuſing, hunting, or worrying of any Stock of Hogs, Cattle or Horſes, with Dogs, or otherwiſe, **Be it Enacted**, That if any Perſon or Perſons whatſoever, that have been convicted of any of the Crimes aforeſaid, or other Crimes, or that ſhall be of evil Fame, or a Vagrant, or diſſolute Liver, that ſhall ſhoot, kill or hunt, or be ſeen to carry a Gun, upon any Perſon's Land, whereon there ſhall be a ſeated Plantation, without the Owner's Leave, having been once before warned, ſhall forfeit and pay One Thouſand Pounds of Tobacco; one Half to our Sovereign Lord the King, his Heirs and Succeſſors, the other Half to the Party grieved, or thoſe who ſhall ſue for the ſame; to be recovered in any County Court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Perſons convicted of any the aforeſaid Crimes, or Vagrants, &c. hunting without Leave, on any ſeated Plantation, ſhall forfeit 1000lb Tobacco, &c.

VII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That from henceforth no Sheriff, Jaylor, Clerk, Cryer, or other Officer, ſhall charge either their own County to which they belong, or the Public, with any Fees for any Criminal committed to the Charge of the ſaid Sheriff or Jaylor, having ſufficient Eſtate in this Province wherewith to pay the ſame, or being capable to pay the ſame by Servitude: But that ſuch Criminals, being diſcharged by Order and due Courſe of Law, ſhall pay their own Fees to the Sheriff, Jaylor, Clerk and Cryer, and other Officers, being ſuch as they may demand according to Law, either out of his Eſtate, or by Servitude, or otherwiſe.

Criminals capable of diſcharging the ſame, either by Effects, or Servitude, ſhall pay their own Fees.

VIII. **Provided**

VIII. **Provided always**, That this Act shall not extend to Malefactors that are Executed, or to such other Persons who are Banished, having no Estate in this Province, or to * Servants Criminals, for whom the County shall pay such Fees as are due by the Acts of Assembly, to the Sheriff, Jaylor, Clerk, Cryer, or other Officers of such Court where such Criminal shall be convicted. CHAP. XXVI. But Fees due from Malefactors who are executed, shall be paid by the County.

* See the Note on the following Section, respecting the Payment of Fees due from Criminal Servants Imported into this Province.

IX. **And be it further Enacted**, *by the Authority aforesaid*, That all Officers Fees due by Law from † Criminal Servants, shall be paid by the County where the Facts shall be committed; and that all and every such Criminal Servants for whom the County shall pay the Fees due by Law to such Officers as aforesaid, shall, after the End and Expiration of their Time of Servitude to their Master or Mistress, satisfy and pay unto the Commissioners of the County who paid such Fees for them to the Sheriff, and other Officers as aforesaid, for the Use of the County, such Sums as they have paid as aforesaid; and the several Commissioners of the several Counties, shall, and are hereby impowered to make Inquisition after all such Servants, Criminals, for whom the County hath defrayed the said Fees to the Sheriff, and other Officers as aforesaid; and they, the said Commissioners, according to their best Discretion, shall cause to be entered Rules for the Servants to make such reasonable Satisfaction to the County as they shall think fit, and in such Manner as they shall find convenient. Officers Fees for Criminal Servants, how to be paid.

† By the Act of 1727, *ch.* 2, all Fees due on the Prosecution of Imported Servants, at the Suit of his Lordship, shall be paid by the Masters, *&c.* of such Servants, and not by the Public or County: And the Owners (unless in case of Conviction and Execution for Capital Offences) shall have Recompence for such Fees, by such Servitude of the Servants (not exceeding Three Years) as shall be thought reasonable by the County Court, *&c.*

X. **And** for the better Security of the County which shall pay such Fees for such Criminal Servants as aforesaid; **Be it Enacted**, *by the Authority aforesaid*, That the Master, Mistress or Dame of all such Servants, be, and are hereby enjoined and required, at the Expiration of the Time of such Servant's Servitude to such Master, or Mistress, or Dame, to render and deliver up to the Sheriff of theCounty, for the Use of the County aforesaid, such Servants Criminals as aforesaid, under the Penalties to such Master, Mistress or Dame, refusing or neglecting to deliver up such Servants as aforesaid, of making Satisfaction to the County for all such Fees, as by the County aforesaid have been paid for such Criminal as aforesaid. And such Sheriff to whom such Criminal Servant shall be delivered as aforesaid, is hereby required to receive and secure such Servants Criminals as aforesaid, so that he be and appear at the then next County Court to be held for the said County, to be disposed of as the said Court shall consider. *See the Note on the foregoing Section.*

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVII.

An ACT for the Punishing the Offences of Adultery and Fornication. *Lib.* LL. N° 4. *fol.* 168. Passed 3d *June* 1715.

Be it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That after the End of this Session of Assembly, whosoever shall, directly or indirectly, entertain, provide for, or cause to be entertained or provided for, any lewd Woman or Women, or that shall frequent her or their Company, after that Admonition to him or them be given by the Minister, or the Vestry, or the Church-warden or Church-wardens of the Parish where such Person or Persons shall inhabit, shall be adjudged a Fornicator or Adulterer, as the Case shall be, and shall suffer such Penalties as by this Law is hereafter appointed. Persons entertaining lewd Women, or frequenting their Company, after Admonition of the Minister, *&c.* to be adjudged Fornicators or Adulterers.

CHAP. XXVII.

Persons convict of Fornication, to be fined 30 s. or 600 lb Tobacco.

II. And be it further Enacted, *by the Authority, Advice and Consent aforesaid*, That every Person or Persons that shall commit Fornication, and be thereof convict in the Provincial, or County Court, either by Confession, or Verdict of Twelve Men, shall be fined Thirty Shillings Current Money of this Province, or Six Hundred Pounds of Tobacco, by the Justices before whom such Conviction shall be, to the King's Majesty, his Heirs and Successors, for the Support of the County Charge.

Of Adultery, 3 *l.* Currency, or 1200 lb Tobacco.

III. And be it Enacted, *by the Authority, Advice and Consent aforesaid*, That every Person or Persons that shall commit Adultery, and shall be thereof convict, either by Confession, or Verdict of Twelve Men, in the Provincial, or any of the County Courts of this Province, shall be fined, by the Justices before whom such Conviction shall be, Three Pounds Current Money as aforesaid, or Twelve Hundred Pounds of Tobacco, to the King's Majesty, his Heirs and Successors, towards defraying such County Charge as aforesaid.

Repealed. See the Note on §. 5.

IV. And in case the said Offenders, or any of them, shall not have wherewith to pay the several Fines by this Act imposed, then the said Offenders shall be adjudged to suffer corporal Punishment by Whipping upon his or their bare Bodies, 'till the Blood do appear, so many Stripes (not exceeding Thirty-nine) as the Justices, before whom such Conviction shall be, shall adjudge.

Repealed.

V. Provided, That this Act shall not be construed to extend, as to the Fine, to Women who have Bastards, and do refuse to discover the Father, or Begetter of such Children: But that in such Cases it shall be in the Discretion of the Justices, before whom such Woman or Women shall be convicted, either to take the Fine by this Act appointed, or to award corporal Punishment; any thing in this Act before to the contrary notwithstanding.

N. B. By the Act of 1749, *ch.* 12, §. 6, so much of this Act as relates to corporal Punishment for Fornication, is repealed.

The Manner in which Persons suspected of Incontinency shall be summoned before the Minister, Vestry and Church-wardens, in order to Admonition and Conviction.

VI. And for the ascertaining what Women shall be accounted Lewd; Be it Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That it shall and may be lawful for the Minister, Vestry and Church-wardens of any Parish where there is a Minister, and for the Vestry and Church-wardens where there is no Minister, before any Admonition by them or any of them given, in pursuance of the Directions aforementioned, to give Notice, or cause Notice to be given, to any Person or Persons by them, or the major Part of them, suspected of Lewdness or Incontinency, and being or residing within their respective Parishes, to appear before them, or the major Part of them, at such Time and Place as they, or the major Part of them, shall appoint: And on the Appearance of such Person or Persons, to acquaint them of the Suspicion that is had of them, and to hear what reasonable Excuse such Persons shall offer, why they ought not to be proceeded against according to Law, as Fornicators or Adulterers, as the Case shall happen. And in case the Person or Persons, having such Notice given them, shall not appear according to such Notice, on Affidavit of such Notice given, or appearing, do not excuse or acquit themselves of the Grounds of such Suspicion, in such Manner as such Minister, Vestry and Church-wardens as aforesaid shall approve; that then it shall and may be lawful for such Minister, Vestry and Church-wardens, or the major Part of them as aforesaid, and they are hereby required to admonish such Person or Persons, according to the Directions aforementioned; which Admonition, together with Proof of the Cohabitation of the Parties so admonished, or their frequenting the Company of each other, contrary to, and after such Admonition given, shall be sufficient Evidence, in any Court of this Province to * convict the Person so cohabiting, or frequenting each others Company, after Admonition given as aforesaid, of

Fornication,

Fornication, or Adultery, as the Case shall happen, and subject them to the Penalties aforementioned; any Law, Statute, or Custom to the contrary notwithstanding. CHAP. XXVII.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* This Paragraph is recited at large in 1749, *ch.* 12, §. 5, and it is thereby Enacted, That Persons not appearing according to such Notice, on Affidavit of such Notice being given, it shall be taken for a Proof of Cohabitation and a Confession of their Guilt: And shall be sufficient Evidence to convict them, so cohabiting and frequenting each others Company, as if they had appeared, and were actually admonished according to this Act.

CHAP. XXVIII.

An ACT for taking Special Bail in the several Counties of this Province upon Actions or Suits depending in his Majesty's Provincial Court, and in the several County Courts of this Province. *Lib.* LL. N° 4. *fol.* 170. Vid: 1768. ch: 28. S. 5. 6. — and 1771 ch 38 §§ 5-6. Passed 3d *June* 1715.

FOR the greater Ease and Benefit of all Persons inhabiting or residing within this Province, in taking Recognizances of Special Bail in all Actions and Suits depending, or to be depending, in his Majesty's Provincial or County Courts of this Province; Preamble.

II. **Be it Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That it shall and may be lawful to and for the Defendant in any Writ issued, or to be issued, out of the Provincial Court, after Arrest, and Bail given to the Sheriff for his Appearance, and before the Return of such Writs, to go before one of the Justices of the Provincial Court, or before the President or any Two Justices of the County Court where such Defendant shall be arrested, with two sufficient Freeholders of this Province, such as the Justice or Justices before whom such Defendant shall go, shall approve of, and then and there give Special Bail to any Action wherein he shall be so arrested by virtue of such Writ; which Bail, so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned, with such Writ, to the Provincial Court. Special Bail to Provincial Writs, how to be given in the County where the Defendant is arrested.

III. **And be it further Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That when Special Bail is required in the Provincial Court by the Plaintiff's Attorney, at the calling over the Appearance-Docket, and that the Court does rule Special Bail shall be given, and the Party, against whom the Rule is given that he shall give Special Bail, be present; the Party Defendant shall then and there give Special Bail in open Court, and shall be deemed to be in the Custody of the Sheriff that arrested him in that Action, 'till he give Special Bail as aforesaid. But if the said Party Defendant be not able, at the Provincial Court, to procure such Special Bail, then the said Party shall be and remain in the Custody of the same Sheriff that arrested him, and by him in safe Custody kept, guarded, and carried back into the County where the Defendant was arrested, and there in safe Custody kept, till he can procure such Special Bail. If Special Bail be ruled in the Provincial Court, the Party, if present, shall give Special Bail in open Court, or remain in Custody till he can procure Special Bail.

IV. **And** for the greater Ease of making and taking Recognizances of such Special Bail, it shall and may be lawful for one of the Justices of the Provincial Court of this Province, or for the President, or any Two Justices of the County Court, to take and receive every such Recognizances of Bail as any Person or Persons, who shall be deemed by him or them sufficient Sureties, shall be willing or desirous to acknowledge or make before him or them in the County, in any Action or Suit depending, or hereafter to be depending, in the said Provincial Court; which Recognizances, so required to be taken, as well before as after the Return of the Writ, shall be taken in such Manner and Form as followeth, *viz.* Recognizances of Special Bail how to be taken.

CHAP. XXVIII.

Form of the Recognizance, See 1768. c. 28. s. 5. for the New form of the Recognizance

" John Doe, *Plaintiff, againſt* Richard Roe, *Defendant.*
" *You* A. B. *and* C. D. *and either of you, do undertake for the ſaid* Richard
" Roe, *Defendant in* *to be levied on your, and either of your,*
" *Lands and Tenements, Goods and Chattels, to the Uſe of the ſaid* John Doe,
" *the Plaintiff, upon Condition, That if the ſaid* John Doe *do obtain Judgment*
" *in an Action of* *, depending in the Provincial Court againſt*
" *the ſaid* Richard Roe *the Defendant, that then the ſaid* Richard Roe *ſhall*
" *pay the Condemnation of the Court thereupon, or deliver himſelf to the Cuſtody*
" *of the Sheriff of* *County, in Satisfaction thereof; or you or*
" *one of you will do it for him. They acknowledge themſelves to be content there-*
" *with, this* *Day of* *before me*
" *To the Honourable the Juſtices of the Provincial Court.*"

which ſhall be tranſmitted to the Provincial Court, &c.

Which ſaid Recognizance of Bail, ſo taken as aforeſaid, ſhall be tranſmitted to the Juſtices of the ſaid Provincial Court ſitting, when and where ſuch Action or Suit ſhall be depending; together with a Warrant of Attorney, ſigned by the ſaid Defendant ſo giving Bail, directed to ſome or any one of the Attorneys of the Provincial Court aforeſaid: Which Recognizance of Bail, ſo taken as aforeſaid, the ſaid Court ſhall receive upon an Appearance enter'd for the ſaid Defendant by any one of the Attorneys of the ſaid Court, purſuant to ſuch Warrant; Saving to the ſeveral Officers their lawful Fees as have been received for the taking Special Bail in Court: And ſhall be of like Force and Effect, as if the ſame were taken, *de bene eſſe*, before the Juſtices of the Provincial Court during their Sitting. For taking of every ſuch Recognizance of Bail, ſuch Juſtices of the Provincial Court, or Preſident, or any Two Juſtices of the County Court, that ſhall take ſuch Bail, ſhall receive only the Sum of Five Shillings, and no more.

Saving Fees to the Officers.

Fee to the Juſtices taking ſuch Bail.

Provincial Court to make Rules for juſtifying ſuch Bails, &c.

V. **And be it further Enacted,** *by the Authority aforeſaid,* That the Juſtices of the Provincial Court ſhall make ſuch Rules and Orders, for the juſtifying of ſuch Bails, and making the ſame abſolute, as to them ſhall ſeem meet, ſo as the Cognizor or Cognizors of ſuch Bail or Bails be not compelled to appear in Perſon in the Provincial Court to juſtify him or themſelves.

Juſtices taking Special Bail, may examine the Sureties upon Oath.

VI. **And it is hereby further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That ſuch Juſtices of the Provincial or County Courts, before whom any Recognizance of Bail may happen to be taken, ſhall have, and Power is hereby given them to examine the Sureties upon Oath, touching the Value of their reſpective Eſtates, for the better Satisfaction of the Juſtice or Juſtices that ſhall take the ſame Bail; any Law, Uſage, Cuſtom, or Practice to the contrary notwithſtanding.

One or more County Juſtices may take Special Bail on Actions brought in the County Court, according to the ſame Method. The Juſtice's Fee, 2 *s.* 6 *d.* County Courts veſted with the like Power of receiving ſuch Bail, &c, as the Provincial.

VII. **And be it further Enacted,** That any Juſtice or Juſtices of any County Court ſhall and may, on Application to them made by any Perſon or Perſons whatſoever, on any Action brought, or hereafter to be brought, in any County Court of this Province, take any Special Bail, according to the Rules before directed for taking Special Bail to any Actions brought in the Provincial Court; For the taking of which ſaid Recognizance of Bail in the County Court, the ſaid Juſtice ſhall receive as a Fee or Reward, the Sum of Two Shillings and Six-pence, and no more: And the ſaid Juſtices of the ſeveral County Courts, upon receiving the Bail to be given as aforeſaid, ſhall act and do in all Things according to the Power by this Act given to the Juſtices of the Provincial Court aforeſaid; and the Bail ſo by them taken, ſhall be as effectual to all Intents and Purpoſes in the County Court, as the Bails before directed, ſhall be in the Provincial Court; any Law, Statute, Uſage, Cuſtom, or Practice to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XXIX.

An Act providing what shall be good Evidence, to prove Foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, and pleading Discounts in Bar. *Lib.* LL. N° 4. *fol.* 173. *REP.* 1729, *ch.* 20.

Passed 3d *June* 1715.

CHAP. XXX.

An ACT for Repealing a Clause in an Act of Assembly, entitled, *An Act for Establishment of Religious Worship in this Province*, &c. And also for appointing the Oaths of Abjuration to be taken in this Province. *Lib.* LL. N° 4. *fol.* 176.

Ditto.

FORASMUCH as the Pretended Prince of *Wales*, hath for some Time, and doth continue to assume to himself the Title of King of *England*, and the Dominions thereunto belonging, by the Name of *James* the Third: Therefore for the better Security of his Majesty in his just Rights and Sovereignty in and over the Province of *Maryland*, and for extinguishing all Hopes of the Friends and Adherents of the said Pretended Prince:

II. **Be it Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That from and after the Conclusion of this present Session of Assembly, the Oath of Abjuration shall be administered to all Persons that already have, or shall hereafter be admitted to have, or enjoy, any Office or Place of Trust within this Province, in such Manner and Form as is herein after recited, *(That is to say,)*

" *I* A. B. *do truly and sincerely acknowledge, profess, testify and declare, in my* " *Conscience, before GOD and the World, That our Sovereign Lord King* George " *is lawful and rightful King of the Realm of* Great-Britain, *and of all other his* " *Majesty's Dominions, and Countries thereunto belonging. And I do solemnly and* " *sincerely declare, that I do believe in my Conscience, that the Person, pretended* " *to be Prince of* Wales *during the Life of the late King* James, *and since his* " *Decease, pretending to be, and taking upon himself the Stile and Title of, King of* " England, *by the Name of* James *the Third, hath not any Right or Title what-* " *soever to the Crown of the Realm of* Great-Britain, *or any other of the Domi-* " *nions thereunto belonging. And I do renounce, refuse, and abjure any Allegiance* " *or Obedience to him. And I do swear, that I will bear Faith aud true Allegi-* " *ance to his Majesty King* George, *and him will defend, to the utmost of my* " *Power, against all traiterous Conspiracies and Attempts whatsoever, which shall* " *be made against his Person, Crown or Dignity. And I will do my best Endea-* " *vour to disclose and make known to his Majesty, and his Successors, all Treasons* " *and traiterous Conspiracies which I shall know to be against him, or any of them.* " *And I do faithfully promise, to the utmost of my Power, to support, maintain,* " *and defend the Limitation and Succession of the Crown, against him the said* " James, *and all other Persons whatsoever, as the same is and stands limited by* " *an Act, entitled,* An Act declaring the Rights and Liberties of the Subject, " and settling the Succession of the Crown to her present Majesty, and the " Heirs of her Body, being Protestants: *And as the same, by one other Act,* " *entitled,* An Act for the further Limitation of the Crown, and better se- " curing the Rights and Liberties of the Subject, *is, and stands limited, after* " *the Decease of her Majesty, and for Default of Issue of her Majesty, to the* " *Princess* Sophia, *Electress and Dutchess Dowager of* Hanover, *and the Heirs* " *of her Body, being Protestants. And all these Things I do plainly and sincerely* " *acknowledge and swear, according to these express Words by me spoken, and ac-* " *cording to the plain and common Sense and Understanding of the same Words,* " *without any Equivocation, or mental Evasion, or secret Reservation whatsoever.* " *And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and* " *Promise, heartily, willingly, and truly, upon the true Faith of a Christian.* " So help me GOD."

N. B. *The* Abjuration Oath *prescribed by this Act, is altered by* 1716, *ch.* 5, *which see, for the Oaths of* Allegiance, Abhorrency, *and* Abjuration, *together with the* Test, *as now taken and subscribed by all Officers,* &c.

And

CHAP. XXX.

And that without taking and ſubſcribing which Oath, no Perſon ſhall be capable of holding, executing, or enjoying any Office of Truſt within this Province whatſoever.

Repeal of a Clauſe in the Act of 1702, *ch.* 1, which obliges Veſtry-men to ſubſcribe the Aſſociation.

III. **And whereas** by an Act of the General Aſſembly of this Province, made the Sixteenth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and One, entitled, *An Act for Eſtabliſhment of Religious Worſhip in this Province*, &c. it was Enacted, That all Veſtry-men ſhould ſubſcribe the Aſſociation before they ſhould be admitted to the Execution of that Office: But foraſmuch as by the Death of his moſt ſacred Majeſty King *William* the Third, the ſubſcribing the ſaid Aſſociation is not neceſſary to be longer continued; **Be it therefore Enacted**, That ſuch Part thereof, and Clauſe in the before recited Act of Aſſembly, which relates to the Veſtrymens ſubſcribing the Aſſociation, and no more, is hereby repealed and declared void.

All Veſtry-men to qualify by taking the Oaths.

IV. **And it is further Enacted**, *by the Authority and Conſent aforeſaid*, That all and every Perſon and Perſons that are at this preſent Time Veſtry-men in this Province, and all other Perſon or Perſons that for the Time to come ſhall be elected or choſen Veſtry-men, ſhall take the before recited Oath of Abjuration; and that it be adminiſter'd to them according to the Forms and Methods preſcribed in the aforeſaid Act of Aſſembly for taking the Oaths therein required to be taken: And after the taking ſuch Oath, the Perſon ſo elected or choſen ſhall be deemed and taken as one of the Veſtry, and not before.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXI.

Paſſed 3d *June* 1715.

An ACT aſcertaining the Height of Fences, to prevent the Evil occaſioned by the Multitude of Horſes, and reſtraining Horſe-Rangers within this Province; and to redreſs the great Evil accruing to this Province by the Multiplicity of uſeleſs Horſes, Mares and Colts that run in the Woods. *Lib.* LL. N° 4. *fol.* 178.

A Supplementary Act made 1750, *ch.* 25.

All Incloſures, by Fences, or otherwiſe, to be 5 Feet high. Horſes, &c. to be kept within ſufficient Incloſures, from the 1ſt *May*, to the 10th *November*, yearly.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That all Incloſures by Fences, or otherwiſe, within the Intention of this Act herein after mentioned, ſhall be Five Foot high: And from and after the Firſt Day of *May* till the next Tenth Day of *November* next, and ſo yearly and every Year, all Owners of any Horſe or Horſes, Mares, Colts and Geldings, ſhall and are hereby obliged to keep all ſuch Horſe or Horſes, Mares, Colts, or Geldings, within good and ſufficient Incloſures, Fenced-Grounds or Paſtures, upon the Pains and Penalties hereafter following.

Or elſe, after Notice twice given to the Owner, ſuch Horſes, &c. may be ſhot by the Party damnified.

II. **And be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That if the Owner or Owners of any ſuch Horſe or Horſes, Mares, Colts or Geldings as aforeſaid, ſhall omit to take up, drive in, and keep up all ſuch Horſes, Mares, Colts or Geldings, and that ſuch Horſes, Mares, Colts or Geldings, ſhall break into the Paſtures, Corn-Fields, or other Incloſures of any Inhabitants within this Province, within the Time by this Act limited as aforeſaid, the ſaid Owner or Owners thereof having Notice or Warning thereof given him, her or them, two ſeveral Times by the Party grieved, and notwithſtanding the Owner or Owners of ſuch Horſe or Horſes, Mares, Colts or Geldings as aforeſaid, neglecting to perform what

is

is by this Law enjoined and required, that then it ſhall and may be lawful for the Perſon grieved and damnified, to ſhoot, kill or deſtroy any ſuch Horſe or Horſes, Mares, Colts or Geldings as aforeſaid. CHAP. XXXI.

III. **Provided always,** That no Perſon whatſoever, though grieved or damnified, ſhall preſume to ſhoot, kill or deſtroy any ſuch Horſe or Horſes as aforeſaid, except upon his, her, or their proper incloſed Grounds, within his, her, or their lawful Poſſeſſion, by Leaſe for Years, yearly Rent, or other lawful Tenure, upon the Penalty of paying the Owner thereof the full Value of ſuch Horſe, Gelding, Mare or Colt ſo killed or deſtroyed, to be recovered by Action of Treſpaſs, or Action on the Caſe, in any County Court of this Province. But no injured Perſon may kill ſuch Horſes, &c. out of his own Incloſures, on Penalty of paying the full Value.

IV. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That whenever any Horſe, Mare or Gelding, ſhall break into any Corn-Field, or other Incloſure, and the Owner be not known, that then, and in all ſuch Caſes, it ſhall and may be lawful for the Party aggrieved, to take up ſuch Horſe, Mare or Gelding ſo treſpaſſing, and the ſame to carry before the next Magiſtrate, who ſhall be obliged to take an Account of the Marks of ſuch Beaſts, both natural and artificial, which the Perſon aggrieved ſhall ſet up in the moſt public Places in the ſame County: And, until the Owner ſhall be known, it ſhall and may be lawful for ſuch injured Perſon to uſe and employ ſuch Horſes, Mares and Geldings, without incurring the Penalties in this Act herein after impoſed, not injuring ſuch Beaſt by any careleſs or wilful Means; which Beaſt ſhall be delivered in good Order to the Perſon owning the ſame, proving his Property, by the Teſtimony of one Witneſs, before any Magiſtrate. Stray Horſes breaking into Incloſures, how to be taken up, and uſed, till the Owner be known.

By 1750, *ch.* 25, the Party grieved who ſhall take up any treſpaſſing Horſe, *&c.* ſhall ſet up the Account of the Marks (taken as above by a Magiſtrate) at the Court-houſe Door, and other public Places in the County, within Five Days, and cauſe the Marks to be recorded among the County Records: And ſhall cauſe the ſame to be publiſhed in the *Maryland* GAZETTE within Six Months after ſuch Account taken. And the Expences ariſing thereon ſhall be paid by the Owner of ſuch Horſe, *&c.* at the Time of receiving the ſame. And Perſons taking up Horſes, and acting contrary hereto, forfeit 30*l.* Currency for every Offence.

V. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That whoſoever ſhall unlawfully, and without the Knowledge and Conſent of the Owner, take another Man's Horſe, Mare or Gelding, and the ſame keep one Hour in his Poſſeſſion (except ſuch Horſe, Mare or Gelding, be found a treſpaſſing as aforeſaid, and the Owner not known) and ſuch Horſe, Mare or Gelding, ſhall, without Conſent aforeſaid, occupy in any Labour or Travel; ſhall not only pay Damages to the Owner, but ſhall forfeit and pay the Sum of Five Hundred Pounds of Tobacco; one Half to the Informer, the other Half to the Party grieved; to be recovered in any County Court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed. Perſons riding or working other Mens Horſes, *&c.* without Knowledge or Conſent of the Owner, how puniſhable.

VI. **And forasmuch** as divers Complaints are made of the Abuſes committed by ſuch Perſons that have obtained Commiſſions from the Government to range the Woods and Foreſts after wild Neat Cattle and Horſes; it is prayed that it may be Enacted, **And be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That it ſhall not be lawful for any Perſon, after the End of this preſent Seſſion of Aſſembly, to make Application to the Governor, for the Time being, to grant a Commiſſion to range as aforeſaid, except ſuch Perſon produce a Certificate from under the Hands of the Juſtices of the County Courts where the ſaid Perſon is to range, ſetting forth, that he is of good Fame. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That no Perſon commiſſionated as aforeſaid, ſhall depute any Perſon as a Deputy, to range the Woods and Foreſts after wild neat Cattle or Horſes as aforeſaid, except ſuch Perſon be likewiſe approved of by the Juſtices of the County in which he is to range as a Deputy. Horſe-Rangers and their Deputies, to be approved by the Juſtices of the Counties where they are to range.

VII. And

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Rangers shall not take up, &c. unmarked Cattle under 3 Years old. Penalty.

VII. And forasmuch as it is necessary to declare at what Age Horses, Mares and Cattle shall be deemed Wild; Be it Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That it shall not be lawful for any Ranger within this Province, to take up and mark, or otherwise dispose of, any unmark'd Horse, Mare, Bull or Cow, which shall not exceed the Age of Three Years, under Penalty of suffering as any other Person ought, that hath not such Commission; any Law, Usage or Custom to the contrary notwithstanding.

This Act to be read in *November* and *March* Courts yearly, in open Court, &c.

VIII. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the Justices in each respective County within this Province, shall, Yearly, and every Year, at their County Courts in the Months of *November* and *March*, during the Continuance of this Act, cause it to be read in open Court, and likewise give it in Charge to the Grand-Juries, to inquire of any Breaches thereof committed by Wood-Rangers in that County.

Penalty on Persons ranging the Woods after wild Cattle, without Licence from the Governor.

IX. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That no Person whatsoever, shall presume to range in the Woods or Forests after wild Neat Cattle or Horses without a Licence from his Excellency the Governor in Chief, for the Time being, under the Penalty of Five Thousand Pounds of Tobacco, for every such before mentioned wild Creature that every such unlicenced Ranger shall kill, take, or convey away alive or dead; one Half to his Majesty, his Heirs and Successors, for the Support of Government of this Province, the other Half to the Informer, or him or them that shall sue for the same, by Action of Debt, Bill, Plaint or Information in any Court of Record in this Province, wherein no Essoin, Protection or Wager of Law to be allowed.

Licenced Rangers shall not range, &c. within Islands, &c. without Leave of the Owner, on Forfeiture of 5000 lb Tobacco for every Beast therein killed or taken up.

X. And be it further Enacted, *by the Authority aforesaid*, That if any Ranger or his Deputy shall presume to range, take up, or kill, any wild Neat Cattle, Horse or Mare, in any Island or Islands, Pasture, or other inclosed Grounds belonging to any of the Inhabitants of this Province, without the Leave of the Owner of the same, shall forfeit, for every Beast so taken up or killed as aforesaid, the Sum of Five Thousand Pounds of Tobacco; one Half to his sacred Majesty, his Heirs and Successors, towards the defraying the County Charge where the said Offence or Offences is committed, the other Part to the Party grieved, or to him, her, or them, that shall sue for the same; to be recovered as aforesaid.

Stallions that have been broke, found out of Inclosure, may be taken up and impounded,

XI. And whereas the extravagant Multitude of useless Horses, Mares and Colts, that run in the Woods, are found very pernicious and burthensome to the Inhabitants of this Province; it is thought necessary that some suitable Remedy be provided in that Behalf, and therefore, Be it Enacted *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That from and after the End of this present Session of Assembly, all Stoned Horses shall be kept within good sufficient Inclosures: And in case any Stoned Horse or Horses that have been taken up and broke fit for Use, shall happen to be found loose, and out of such Inclosures, it shall and may be lawful for any Person or Persons whatsoever, to take up and impound, or cause to be taken up and impounded, in some open Pound; and there to detain him, on the Risque of the Owner thereof, or cause him to be so detained, until the Owner or Owners of such Horse, having speedy and convenient Notice of such Impounding, shall satisfy unto the Person so impounding, or causing such Horse to be impounded, the Sum of Five Shillings, or Sixty Pounds of Tobacco.

and the Owner to pay 5 *s.* to the Impounder.

Stallions unbroke, above 18 Months old, found

XII. And that in case any Stoned Colt, above Eighteen Months old, or Stoned Horse unbroke, shall, at any Time after the End of this present Session of Assembly, be found loose in the Woods, or out of such Inclosure,

it

it shall and may be lawful for any Person whatsoever, to shoot, or otherwise kill and destroy such Horse or Colt, without being accountable or answerable to the Owner or Owners of such Horse and Colt, or any other Person or Persons whatsoever, in any Action or Suit whatsoever. And in case any Person or Persons shall at any Time be sued for any such shooting, killing or destroying as aforesaid, it shall and may be lawful for such Person to give this Act in Evidence upon the General Issue; any Law, Statute or Custom to the contrary notwithstanding.

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looſe in the Woods, &c. may be ſhot, &c.

Persons sued, may plead the General Issue.

XIII. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That after the End of this present Session of Assembly, it shall not be lawful for any Person, not having Land of his own, nor renting a Plantation, to keep any breeding Mare or Mares in the Woods, upon the Penalty of Six Hundred Pounds of Tobacco for every breeding Mare by such Person owned and kept; the one Half of which Fines to go to his Majesty, towards defraying the County Charge where such Offender shall reside, the other Half to the Informer, or him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

Penalty on Persons having no Lands, and keeping any breeding Mare in the Woods.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXII.

An ACT for securing Persons Rights to Town Lands. *Lib.* LL. N° 4. *fol.* 183.

Passed 3d *June* 1715.

WHEREAS it is represented to this General Assembly, that several Persons of this Province, and Others, that have taken up Lots in several Town Lands, laid out and surveyed for Towns according to the Directions of several Laws of this Province heretofore made, *(That is to say,)* One Law made at a General Assembly, held at the Ridge in *Ann-Arundel* County, the Second Day of *October*, One Thousand Six Hundred Eighty-three, entitled, *An Act for Advancement of Trade*; and One other Act made at a General Assembly held at the City of *St. Mary*'s, the First Day of *April*, One Thousand Six Hundred and Eighty-four, entitled, *An Additional and Supplementary Act to the Act for Advancement of Trade*; and the other Act made at a General Assembly held at the City of *St. Mary*'s, the Twenty-seventh Day of *October*, One Thousand Six Hundred Eighty-six, entitled, *A further Additional Act to the Act for Advancement of Trade, and the Supplementary Acts of the same*; and one other Act made at a Session of Assembly begun and held at the City of *St. Mary*'s, the Twenty-first Day of *September*, *Anno Domini* One Thousand Six Hundred Ninety-four, entitled, *An Act for erecting* Ann-Arundel *and* Oxford *Towns, into Ports and Towns,* as by the several Acts of Assembly remaining upon Record, in the Secretary's Office of this Province, may appear. And notwithstanding the several Persons, who (relying and depending upon the Benefits and Privileges in the said Laws granted) have taken up Lots in the said Towns, entered them and paid for them, or were ready to pay for them, as the Law directed, and have built and improved thereon; yet they are now threatened, disquieted and disturbed by the Persons claiming Right to the said Lands, upon Pretence, that because the said Acts are since repealed, the Titles of such Takers-up, Builders and Improvers, are destroyed, and die with the said Acts of Trade, contrary to the true Sense and rational Construction of the same Laws, or any other of like Nature: To prevent therefore, and take off all such unnecessary Doubts and Scruples thereof;

Preamble, reciting several Acts relating to Town Lands, on which, tho' since repealed, much Property depends, *viz.* 1683, *ch.* 5. 1684, *ch.* 2. 1686, *ch.* 2. 1694, *ch.* 8.

II. **Be it Enacted,** *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That all and every Person or Persons, that,

The Titles of all Persons to Town Lands taken up, paid for, &c.

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that, during the Continuance of the before mentioned Acts of Aſſembly, did take up, pay for, or tendered, or were ready to pay for any Lot or Lots of Land, in any Town Land laid out and allotted for Town Lands, by the former Laws, or any of them, and of the ſame Lot made due Entry, and hath built and improved upon the ſame, and followed the Directions of the above mentioned Laws, they, the ſaid Perſon or Perſons, ſo taking up, entering, building upon, and following the Directions of the ſaid Laws, their Heirs and Aſſigns, ſhall have, hold and enjoy, a good, ſure, and indefeazable Eſtate of Inheritance, in Fee-ſimple, of, in, and to every ſuch Lot and Lots of Land, ſo taken up and built on as aforeſaid, (according to the ſaid Laws and Directions) to them and their Heirs for ever, as fully, freely and amply, to all Intents and Purpoſes, as if the ſaid former Laws were ſtill in Force, and had never been repealed.

built upon, and improved under the ſaid Laws, confirmed.

Proviſo.

III. **Provided always**, That where any Perſon or Perſons that hath or have ſo taken up, built and improved, and hath not paid the Price ſet upon the ſame, that every ſuch Perſon is hereby enjoined to pay the ſaid Value of the ſaid Lot to the Owner and Claimer of the Land, upon Demand, without Fraud or Covin.

Recital of other Acts diſallowed by her late Majeſty, *viz.*

IV. **And whereas** it is repreſented to this preſent General Aſſembly, That ſeveral of the Inhabitants of this Province, and Others, that have taken up ſeveral Lots, in ſeveral Town Lands, laid out and ſurveyed for Towns according to the Directions of ſeveral Laws of this Province lately made, *(That is to ſay,)* One Act of Aſſembly made at a General Aſſembly begun and held at the Port of *Annapolis*, the Second Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Six, entitled, *An Act for Advancement of Trade, and erecting Ports and Towns within this Province of* Maryland; One other Act made at a General Aſſembly begun and held at the Port of *Annapolis*, the Fifteenth Day of *April*, One Thouſand Seven Hundred and Seven, entitled, *A Supplementary Act to the Act for Advancement of Trade, and erecting Ports and Towns*; and one other Act made at a General Aſſembly of this Province, held at the Port of *Annapolis*, the Twenty-ninth Day of *November*, *Anno Domini* One Thouſand Seven Hundred and Eight, entitled, *An Additional Act to the Supplementary Act for Advancement of Trade, and erecting Ports and Towns within this Province, and for Sale of ſome Public Lands and Buildings in the Town of* St. Mary's, *in* St. Mary's *County*, as by the ſeveral Acts of Aſſembly aforeſaid, remaining upon Record in the Secretary's Office may appear, relying and depending on the Benefits and Privileges in the ſaid Laws granted, did enter and build upon ſuch Lots, according to the Directions of the ſaid Laws; **Be it therefore Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all and every Perſon and Perſons, that, during the Continuance of the before mentioned Laws, did take up a Lot or Lots, and thereon build according to the Dimenſions preſcribed by the ſaid Laws, or any of them, in any Town Land laid out and allotted for a Town by the former Laws, or any of them, their Heirs and Aſſigns, ſhall have, hold and enjoy, a good, ſure and indefeazable Eſtate of Inheritance, in Fee-ſimple, of, in, and to ſuch Lot and Lots ſo taken up and built upon as aforeſaid.

1706, *ch.* 14.

1707, *ch.* 16

1708, *ch.* 3.

The Titles to Lots taken up, and built upon under thoſe Laws, confirmed.

But Owners of the Land may have Action of Debt, for the Value ſet thereon, againſt the Poſſeſſors of Lots which have not been paid for.

V. **Provided**, That where the Owner of any Tract of Land, laid out for a Town by any of the aforeſaid Acts, is unpaid for any Lot taken up and built upon according to the Directions of the ſaid Laws, ſuch Owners may, after Requeſt made, have an Action of Debt for the Value of ſuch Lot, according to the Value of the Commiſſioners or Jurors, impowered to value the ſame, by ſuch former Law, againſt any Taker-up, or Owner of any ſuch Lot or Lots that hath not paid for the ſame, his Heirs, Executors or Adminiſtrators, in any of his Majeſty's Courts of Record within this Province, that can hold Plea of the ſame.

VI. Provided

CHAP. XXXII. A Saving to the Rights of *Richard Bennet*, Esq; &c.

VI. **Provided further**, That this Act, nor any thing therein contained, ſhall extend, or be conſtrued to extend, to prejudice the Right of *Richard Bennet*, Eſq; to ſuch Part of the Land laid out for a Town in *Worton* Creek in *Kent* County, whereon Houſes, Orchards and Improvements, were, at the Time of laying out that Town.

Perſons who have taken up Lots and paid for them, but have not built thereon, to be repaid.

VII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That where any Perſon or Perſons whatſoever, have taken up any Lot or Lots, by virtue of the before recited Acts of Aſſembly, ſince the Firſt Day of *Auguſt* One Thouſand Seven Hundred and Nine, and paid for the ſame to the Owner, but not built thereon, being diſcouraged by her late Majeſty's Diſallowance of the ſaid Acts, ſhall and may, by virtue of this Act, have the Money or Tobacco repaid him or them by the Perſon or Perſons that received the ſame, their Executors or Adminiſtrators: And for Non-Payment, after Demand made, to recover and ſue for the ſame in any Court that may hold Plea thereof.

Lots aſſigned to the Uſe of any Community, paid for, &c. ſhall remain to ſuch Community.

VIII. **And be it further Enacted**, *by the Authority aforeſaid*, That all and every Lot or Lots, Parcel, or Portion of Ground, aſſigned to the Uſe of any Community, and paid for, and built upon according to the Directions of any the aforeſaid Acts, before her ſaid Majeſty's Diſallowance to the ſaid Acts was notified, ſhall remain to ſuch Community for whoſe Uſe it was built; her ſaid Majeſty's Diſallowance of the ſaid Acts afterwards notwithſtanding.

The Rights of Perſons who have begun to build upon Lots, though not finiſhed according to the Town Laws, confirmed.

IX. **And whereas** ſundry Perſons have taken up Lots in divers Towns of this Province, and have begun to build, ſo that they have erected Frames, though not quite finiſhed their Houſes according to the Directions of the aforeſaid Town Laws; **Be it Enacted**, *by the Authority aforeſaid*, That all ſuch Perſons who have taken up Lots, and erected Frames in ſuch Towns, ſhall have and enjoy a good, ſure, and indefeazable Eſtate of Inheritance, to them and their Heirs, in ſuch Lots ſo improved upon, notwithſtanding they have not complied with the exact Preſcriptions and Directions of the aforeſaid Town Laws.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXIII.

An ACT for Stay of Execution after the Tenth of *May*, Yearly.

Paſſed 3d *June* 1715.

Lib. LL. N° 4. *fol.* 186.

Supplementary, &c. Acts, 1721, *ch.* 4; 1728, *ch.* 24; and 1732, *ch.* 22.

Preamble.

WHEREAS many of the Inhabitants of this Province are, and have been exceedingly grieved and burthened by Executions laid upon them in the Summer Time, when it is not poſſible for them to procure Effects for the Payment and Satisfaction of their Creditors, by means whereof they are oftentimes kept in Priſon a long Time, and thereby diſabled from making and tending their Crops, to the great Prejudice, if not Ruin, of many the Inhabitants of this Province, being thereby left deſtitute of any Means to ſatisfy their Creditors; For Prevention whereof for the future;

No Execution for Debt or Judgment to be iſſued in any Court from the 10th *May* to the 10th *November*, in any Year. (*See the Note.*)

II. **Be it Enacted**, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That after the Tenth Day of *May*, in any Year, no Execution ſhall iſſue out of any Court of this Province, againſt the Body or Goods of any Perſon or Perſons inhabiting within this Province, 'til the Tenth Day of * *November* next, or until the Tenth Day of *November*, in any Year enſuing, for any Debt or Debts, or upon any Action, Judgment or Judgments, ſued, had or recovered, againſt the Inhabitants of or within this

CHAP. XXXIII.

this Province, in the Provincial, or any County Courts of this Province, for any Cauſe, Matter or Thing whatſoever.

* By the Act of 1728, *ch.* 24, §. 4, 5, 6, the Time in this Act of 1715, ſhall hereafter be changed, from the 10th of *November*, to the 10th *February*; and the Words [on the 10th *November* next] in the Confeſſion, ſhall be changed to theſe Words [on the 10th Day of *February* next.] And it ſhall not be lawful for any Perſon to ſue out any Judgment, ſo ſuperſeded, 'til after the 10th *February* next enſuing ſuch *Superſedeas*.

Provided the Debtor with two ſufficient Sureties, confeſs Judgment for Debt and Coſts.

III. **Provided** ſuch Perſon or Perſons againſt whom any ſuch Judgment is obtained, together with Two other Perſons, ſuch as the Juſtices ſhall approve of, come before One Juſtice, or more, of the Provincial Court, or Two Juſtices, or more, of the reſpective County Courts where ſuch Judgment is obtained as aforeſaid, and ſhall confeſs Judgment for his Debt and Coſts of Suit adjudged, with Stay of Execution 'til the Tenth Day of *November* next, for this preſent Year, or until the Tenth Day of * *November*, in any other Year, next following; which Confeſſion is to be made in Manner and Form following, *That is to ſay*,

* 10th *February*: *See the Note on* §. 2.

Form of the Confeſſion, or Security.

"*You* H. M. A. B. *and* C. D. *do confeſs Judgment to* E. F. *for the Sum of* "*which Sum was recovered by the ſaid* E. F. *againſt* H. M. *on the* "*Day of in the Court: The ſaid* "*to be levied of your Bodies, Goods or Chattels, Lands or Tenements, for the Uſe* "*of the ſaid* E. F. *in caſe the ſaid* H. M. *ſhall not pay and ſatisfy to the ſaid* "E. F. *the ſaid ſo as aforeſaid recovered againſt him, with the ad-* "*ditional Coſts thereon, on the Tenth Day of* † November *next.*"

† 10th *February*: *See the Note on* §. 2.

And a Certificate thereof under Hands of the Juſtices ſhall be a ſufficient *Superſedeas* to the Sheriff.

Which Confeſſion is to be ſigned by the Juſtice or Juſtices before whom ſuch Confeſſion is to be made, and thereof procure Certificate under the Hand of the ſame Juſtice or Juſtices before whom ſuch Judgment ſhall be confeſſed; and ſuch Certificate ſhall be a ſufficient *Superſedeas* to the Sheriff, to forbear ſerving Execution upon the Body or Goods of the Perſon ſo obtaining ſuch Certificate.

If arreſted, ſuch Certificate, obtained afterwards, ſhall releaſe the Priſoner, on his paying Fees

Judgment ſo confeſſed ſhall be recorded. Clerks Fees, 5 lb Tobacco.

After 10th *February* Execution may be taken out without *Scire facias*, &c.

IV. **And** if the Party be taken in Execution before ſuch Certificate be produced, then, ſuch Certificate, being obtained afterwards as aforeſaid, ſhall be a ſufficient *Superſedeas* to the Sheriff to releaſe ſuch Perſon out of Priſon upon that Execution, the Party paying or giving Security to ſuch Sheriff for his due Fees for that Impriſonment: And the Juſtice or Juſtices, before whom ſuch Judgment ſhall be confeſſed as aforeſaid, ſhall return the Judgment ſo confeſſed to the Clerks of the reſpective Courts where the firſt Judgment was obtained, to be entered upon Record; for which Entry the Clerk ſhall receive as a Fee Five Pounds of Tobacco, and no more. And that after the ſaid Tenth Day of *November*, it ſhall be lawful to take out Execution upon the Judgment confeſſed as aforeſaid, without any *Scire facias*, or any other Delay, againſt either the Principal or the Security, or all or either of them, for ſuch Judgment ſo confeſſed as aforeſaid; any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

The Preſident, or two Juſtices of any County Court, may ſuperſede Execution of Judgment rendered in the Provincial.

V. **And be it further Enacted**, *by the Authority aforeſaid*, That the Preſident, or Two Juſtices of any County Court within this Province, may proceed to the Staying or Superſeding the Execution of any Judgment rendered, or to be render'd, in the Provincial Court, as fully and effectually, to all Intents, Conſtructions and Purpoſes, as any Juſtice of the Provincial Court might, or ought to do.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

N. B. By 1721, *ch.* 4, the above Power of Superſeding is extended to Judgments obtained in the High Court of Appeals, and Chancery: And alſo to Small Debts recovered before a Single Magiſtrate. And by 1732, *ch.* 22, Executions iſſued before the 10th of *May*, in any Year, but not ſerved till after that Day, may be ſuperſeded in the ſame Manner as if they had been iſſued after the 10th of *May*.

CHAP. XXXIV.

Paſſed 3d June 1715.

An Act for the Puniſhment of Blaſphemy, profane Swearing, Curſing and Drunkenneſs. *Lib.* LL. N° 4. *fol.* 188. *REP. by* 1723, *ch.* 16.

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CHAP. XXXV.

An Act for the making good and valid, a certain Indenture, or Deed of Bargain and Sale, from William Lunn, *late of* Ann-Arundel *County, deceased, to* Thomas Larkin, *Gentleman. Lib.* LL. N° 4. *fol.* 194. *PR.* Passed 3d *June* 1715.

CHAP. XXXVI.

An ACT laying an Impoſition on Negroes, and on ſeveral ſorts of Liquors imported; and alſo on *Iriſh* Servants, to prevent the Importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* LL. N° 4. *fol.* 197. Ditto.

Supplementary and other Acts relating to theſe Impoſts, are, 1717, *ch.* 10; 1720, *ch.* 26; 1721, *ch.* 9; 1724, *ch.* 10; 1728, *ch.* 8; 1731, *ch.* 18; 1732, *ch.* 23; 1735, *ch.* 6; and 1763, *ch.* 28.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, the Importer or Importers of Rum, Spirits, Wine and Brandy, from *Penſylvania* and the Territories thereto belonging, by Land, ſhall, for every Gallon of the ſaid Liquors ſo imported into this Province, pay unto the King's Majeſty, his Heirs and Succeſſors, for defraying the Public Charges of this Province, to be collected by the Naval Officer of *Cæcil* County Diſtrict, for the Time being, or his ſufficient Deputy, the * Sum of Nine-pence in ready Current Money of this Province; and ſhall bring the ſame Liquors into this Province, to the Place commonly called *Bohemia* Landing, and to no other Place or Landing, till the Duties thereof be paid; under the Penalty of forfeiting to the King's Majeſty, his Heirs and Succeſſors, all ſuch before mentioned Liquors, which ſhall be brought to any other Place, contrary to the Intent of this Act, or the Value thereof in ready Money; one Moiety of the ſaid Forfeiture to the King's Majeſty, his Heirs and Succeſſors, for the Support of the Government of this Province, and the other Moiety to the Informer; to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

A Duty on all Rum, &c. imported by Land from *Penſylvania*, to be collected by the Naval Officer of *Cæcil* County Diſtrict; for defraying the Public Charge of the Province.

Such Liquors to be brought to *Bohemia* Landing, till Duty be paid, on forfeiture of the Goods.

* By the Act of 1724, *ch.* 10, this Duty of Nine-pence per Gallon is repealed; and a Duty of Three-pence per Gallon is declared to be ſtill due and payable for the ſaid Liquors brought by Land from *Penſylvania*, ſubject to the ſame Diſcounts and Allowances with the Duties of ſuch Liquors imported from other Places.

II. And to the End that the ſaid Nine-pence per Gallon may be exactly paid and collected; Be it Enacted, *by the Authority, Advice and Conſent aforeſaid,* That before the ſaid Liquors ſhall be Water-born in *Cheſapeak* Bay, the Importer or Importers ſhall make Entry thereof, upon Oath, with the Naval Officer of *Cæcil* County Diſtrict, of the Number of Caſks, and the Contents thereof; which Oath the ſaid Naval Officer, by virtue of this Act, ſhall have Authority to adminiſter; and of the full Contents, the ſaid Naval Officer may abate Twenty per Cent, for Leakage, and other Damage to be ſuſtained, and no more.

Such Liquors (before they be Water-born in *Cheſapeak* Bay) ſhall be Entered on Oath.

III. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid,* That if the Importer or Importers aforeſaid, after he hath brought the ſaid Liquors to *Bohemia* Landing aforeſaid, ſhall put the ſaid Liquors on board any Veſſel in *Cheſapeak* Bay, or any the Rivers, Creeks or Harbours thereto belonging, before the Duty aforeſaid ſhall be paid in ready Money as aforeſaid, that then the Importer or Importers ſhall forfeit the ſaid Liquors, or the Value thereof in ready Money, to the Uſes aforeſaid, to be recovered as aforeſaid.

Importers putting ſuch Liquors on board any Veſſel in the Bay, &c. before Duty paid, ſhall forfeit, &c.

IV. And

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IV. **And be it further Enacted,** *by the Authority aforesaid,* That when the Importer or Importers aforesaid, have made fair Entries as aforesaid, and paid the Duty as aforesaid, that then the Naval Officer shall give the said Importer a Permit to carry the same to any River, Creek or Harbour, or Port or Place, of this Province, to make Sale of the same.

After Entry, and Duty paid, the Naval Officer shall give a Permit.

V. **Provided always,** That if any Person or Persons shall import any the Liquors aforesaid, from *Pensylvania* aforesaid, in Sloops or other Vessels by Sea, through the Capes of *Chesapeak* Bay into this Province, that then such Importer or Importers shall only pay the Duty of Three-pence per Gallon, as others do.

But such Liquors imported by Sea, &c. shall pay only 3 *d.* per Gallon.

VI. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That the Naval Officer aforesaid, for the said Duty of Nine-pence per Gallon aforesaid, shall account with the Public Treasurer of the Eastern Shore: And the Public Treasurer of the Eastern Shore shall account to the General Assembly of this Province, as is herein after mentioned: Which said Naval Officer shall make Oath before his Excellency the Governor, or whom the Governor shall impower to administer such Oath, that the said Naval Officer shall use his utmost Power and Diligence to cause this Act effectually to be put in Execution; and a Certificate of such Oath taken, shall be entered upon the Council Book.

Such Duty, how to be accounted for.

The Naval Officer's Oath.

VII. **And** to prevent too great a Number of *Irish* Papists being imported into this Province; **Be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That all Masters of Ships and Vessels, or others, importing *Irish* Servants into this Province, by Land or by Water, at the Time of their Entry shall pay unto the Naval Officer, for the Time being, belonging to such Port or Place where they make their Entry, the Sum of * Twenty Shillings Sterling per Poll, towards the defraying the Public Charge of this Province, for every *Irish* Servant so imported, on Penalty and Forfeiture of Five Pounds Sterling per Poll, for every Servant so concealed at the Time of his Entry aforesaid, the one Half thereof to be appropriated to the Uses aforesaid, the other Half to the Informer, or him or them that shall sue for the same; to be recovered in Form aforesaid.

A Duty of 20 Shillings per Poll laid on *Irish* Servants.

Penalty for Concealment.

* By the Act of 1732, *ch.* 23, this Clause, so far as it imposes any Duty on *Irish Protestant* Servants imported, is repealed; and it is thereby Enacted, That no Duty shall be paid for the Importation of any *Protestants* from *Ireland* or elsewhere. And by the Act of 1717, *ch.* 10, an additional Duty of 20 Shillings Currency per Poll is laid on all *Irish* Servants, being *Papists*, imported, to be applied to the Support of Public Schools; under a Penalty of 5 *l.* Currency for each such Servant concealed; and a Method prescribed (by tendering them the Oaths) for better Discovery of such *Irish Papists*.

VIII. **Be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That for every Negro imported into this Province, either by Land or Water, the Importer or Importers of such Negro or Negroes shall pay unto the said Naval Officer aforesaid, the Sum of † Twenty Shillings Sterling per Poll, for the Uses aforesaid, on Penalty and Forfeiture of Five Pounds Sterling per Poll for every Negro kept back, or unaccounted for; to be applied to the Uses aforesaid, and to be recovered as aforesaid.

A Duty of 20 *s.* Sterling per Poll laid on all Negroes imported.

Penalty for Concealment.

† By 1717, *ch.* 10, an additional Duty of 20 Shillings Currency per Poll is laid on all Negroes imported, to be applied to the Support of Public Schools, under the Penalty of 5 *l.* Currency for each Negro concealed, *&c.* By 1721, *ch.* 9, the Inhabitants of this Province may remove their own Slaves from neighbouring Colonies; or Persons coming here to settle, may import their domestic Slaves, without paying any Duty. And by 1735, *ch.* 6, no Duty is payable for Negroes or Servants who shall die, or be exported within Three Months.

IX. **And be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That from and after the Publication hereof, all Masters of Ships or Vessels, or all other Persons that shall, by Water, import any Rum, Brandy, Spirits or Wine, into this Province, shall pay unto the

3 *d.* per Gallon to be paid for all Rum, *&c.* imported by Water,

the Naval Officer aforesaid, where they make their Entry, the Sum of Three Pence per Gallon for every Gallon of Rum, Brandy, Spirits or Wine, so imported into this Province as aforesaid, to be applied to the Uses aforesaid, Liquors from *Great-Britain* always excepted. CHAP. XXXVI. except from *Great-Britain*.

X. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That no Rum, Brandy, Spirits or Wine, upon which the Duties aforesaid are assessed, shall be landed or put on Shore out of any Ship or Vessel, which shall import the same, or any other, without due Entry thereof with the Officer thereby appointed, (upon Oath of the said Person or Persons importing any of the aforesaid Liquors,) for collecting the same, in the Port or Place where such Liquors shall happen to be imported as aforesaid, or before the Duty due and payable for the same, be satisfied, or secured to be satisfied, and a Warrant for the Landing thereof be signed by the Officer for that Purpose appointed, upon Pain and Peril that all such Liquors landed and put on Shore, contrary to the true Intent and Meaning of this Act, shall be forfeited and lost, or the full Value thereof; one Half to be appropriated towards the defraying the Public Charge of this Province, and the other Half to the Informer, or him or them that shall sue for the same, to be recovered as aforesaid. Such Liquors landed before Entry, or Duty paid, to be forfeited, or their Value.

XI. **And** for the better Encouragement of all Masters, Merchants, Owners, and other Persons whatsoever, to make due Entries and Payment of the Duties, Rates and Impositions raised by this Act, in Consideration of Leakage and other Damage, the Officer is hereby authorised and impowered to make Allowance and Abatement of Twenty Gallons in every Hundred Gallons, of all such Liquors so to be duly entred as aforesaid. Importers to be allowed 20 per Cent for Leakage.

XII. **And** the Officers are hereby appointed for collecting and gathering the Duties aforesaid, shall and are hereby impowered, upon any Suspicion of Fraud or Deceit by any Importer, Owner or Proprietor, of any such Liquors, in concealing, and not making due Entry of the same, to go and enter on board any Ship or Vessel, or into any House or Ware-house, or elsewhere, and from thence to seize, bring on Shore, or secure, all such Liquors for which the Duties aforesaid are not duly paid, or secured to be paid as aforesaid, that the said Officers and their Deputies, or any of them, may freely stay and remain on board, until the Goods are delivered and discharged out of the said Ship or Vessel. And all Officers, as well Military as Civil, of this Province, and Masters and Officers of Ships, are hereby required and enjoined to be aiding and assisting to such Naval Officers in discharging their Duty aforesaid; for all which, the said Officers and others assisting them, shall be saved and kept Harmless by virtue of this Act. Officers, on Suspicion, may enter any Ships, Houses, Ware-houses, *&c.* and seize, *&c.* all such Liquors for which Duty is not paid or secured. All Officers, Civil and Military, required to assist.

XIII. **And be it further Enacted**, *by the Authority and Consent aforesaid*, That all such Naval Officers shall give good Security to the Governor of this Province, for the Time being, and shall take the several Oaths, *Well and faithfully to gather the Impost so arising by virtue of this Act, or any Clause herein contained, and a just and faithful Account thereof Twice a Year, shall give and render to the Public Treasurers of this Province, for the Time being, authorised for receiving the said Impost*; for which the said Treasurers shall have for their Salary Five per Cent, and no more, who are to give Bond for the same, to be accountable, and render an Account to the Assembly that shall then next meet, to be by them disposed of towards the defraying of the Public Charge of this Province. Naval Officers to give Security, *&c.* and render Account half Yearly to the Treasurers. The Treasurers to have 5 *l.* per Cent Salary, and give Bond to be accountable to the Assembly.

XIV. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That every Master of a Ship or other Vessel, at the Time of his Entry of such Ship or Vessel, wherein such Liquors shall be imported as aforesaid, shall render upon Oath, an Account of the Quantity and Quality of Liquors Masters of Ships to swear to the Quantity, *&c.*

CHAP. XXXVI. of Liquors by them imported, &c.

Liquors aforeſaid; and the ſeveral and reſpective Naval Officers within this Province, for the Time being, ſhall, at the Time of their Entry of ſuch Ship or Veſſel as aforeſaid, take good and ſufficient Security, in his Majeſty's Name, for the Payment of the ſaid Impoſition laſt mentioned, to ſuch Uſe and Purpoſe, in ſuch Manner and Form as by this Act is appointed; all which Duties ariſing by the Impoſitions aforeſaid, ſhall be collected and gathered by the Naval Officers in their ſeveral and reſpective Diſtricts, for which they ſhall have Eight per Cent Salary, and no more.

Naval Officers to collect, and have 8 per Cent.

For ſuch Liquors exported within 3 Months, a Drawback of three Fourths of the Duty to be allowed.

XV. **Provided always**, That if any Importer of Rum or Wine into this Province, after the End of this Seſſion of Aſſembly, and within Three Months after his Arrival, and ſuch his Report made to the Naval Officer, or ſuch other Officer legally impowered as aforeſaid to take the ſame as aforeſaid, ſhall export any of the ſaid Rum, Brandy, Spirits or Wine by him imported as aforeſaid, it ſhall and may be lawful for every ſuch Importer, by way of Debenture or Drawback Money, to ſtay and detain Three Fourth Parts of ſuch Impoſition.

An Oath to be taken by the Exporter, to entitle him to the Drawback.

XVI. **Always Provided**, That the ſaid Exporter, who deſireth the Benefit of the ſaid Debenture or Drawback, ſhall declare on his Corporal Oath, to be adminiſtred by the ſaid Officer on the Holy Evangeliſt of Almighty GOD, *That the ſaid Rum, Brandy, Spirits or Wine; by him deſired to be Exported, is Part of the ſaid Rum, Brandy, Spirits or Wine, by him Imported, and made Report of as aforeſaid.*

Country Bottoms and Property exempted from the Payment of any Duties in this Act.

XVII. **And be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That no Ship or Veſſel built in this Province, whereof all the Owners ſhall be actually Reſidents of this Province, and that no Ship or Veſſel, *Engliſh* or Plantation built, purchaſed, enjoyed, and held by Owners which are all Reſidents within this Province, nor the Owners thereof, ſhall any ways be liable to pay any the Duties aforementioned, for any Thing in this Act mentioned, which ſhall be imported in any ſuch Ship or Veſſel.

Proviſo.

Provided, The ſaid Servants, Negroes, or Liquors, are brought into the Capes of *Cheſapeak* Bay, or into any the Inlets on the Sea-board Side of *Somerſet* County, in any of the aforeſaid Ships or Veſſels, and not taken on board in the ſaid Bay, or any Creek or River thereto belonging, or from on board any other Ship or Veſſel whatſoever within Ten Leagues of the Capes of the ſaid Bay; any thing in this Act, or any other Law, Statute, or Uſage, to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

N. B. Several Abuſes and Frauds having been committed under the Sanction of this Clauſe; Oaths are directed to be taken, and farther Regulations made, by the Acts of 1720, *ch.* 26; and 1731, *ch.* 18, which ſee.

CHAP. XXXVII.

Paſſed 3d *June* 1715.

An ACT cauſing Grand and Petit Jurors and Witneſſes to come to the Provincial and County Courts; and aſcertaining their Allowances. *Lib.* LL. N° 4. *fol.* 203.

Sheriffs to ſend 2 Grand and 3 Petit Jurors out of each County to the Provincial Court, giving them 20 Days Notice.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That after the Publication hereof, the ſeveral and reſpective Sheriffs of the ſeveral and reſpective Counties within this Province, ſhall cauſe to come before the Juſtices of the Provincial Court, Two Men of the beſt and moſt underſtanding Freeholders of each reſpective County, to ſerve as Grand Jurors, and Three ſuch like good and lawful Men of each reſpective County to ſerve as Petit Jurors at every Provincial Court, and the ſaid Sheriff ſhall return Pannels accordingly; and Twenty

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Twenty Days Notice ſhall be given by the Sheriffs to the Jurors, before the Day of their Appearance; and ſuch Sheriff or Sheriffs as ſhall make Default, ſhall be fined by the Juſtices of the Provincial Court, One Thouſand Pounds of Tobacco, to his Majeſty, his Heirs and Succeſſors, for the Support of the Government of this Province.

Penalty on Default.

II. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the ſeveral Sheriffs of the ſeveral and reſpective Counties aforeſaid, ſhall cauſe to come before the Juſtices of the ſeveral and reſpective County Courts, a competent and ſufficient Number of good and lawful Men, of the beſt and moſt underſtanding Free-holders of their ſeveral and reſpective Counties, to ſerve as Jurors of the ſeveral and reſpective County Courts; and the ſeveral Sheriffs ſhall return Pannels accordingly, and give Notice to ſuch Free-holders Ten Days before the Day of their Appearance at the ſaid County Courts; and ſuch Sheriff or Sheriffs as ſhall make Default, ſhall be fined by the Juſtices of the County Courts, Five Hundred Pounds of Tobacco, to his Majeſty, his Heirs and Succeſſors, for the Support of the Government of this Province.

Sheriffs to ſummon Jurors to ſerve at each County Court, giving them 10 Days Notice.

Penalty on Default.

III. **And be it further Enacted,** That every Perſon or Perſons, Free-holders, returned by the ſeveral Sheriffs to ſerve as Jurors at the Provincial Courts, and having ſuch Notice of the Day of his or their Appearance as aforeſaid, and ſhall not appear at the Day, but make Default, ſhall be fined by the Juſtices of the Provincial Court, One Thouſand Pounds of Tobacco; and every Perſon or Perſons, Free-holders, returned by the ſeveral Sheriffs of the ſeveral County Courts, to ſerve as Jurors at the ſaid County Courts, and having ſuch Notice of the Day of his or their Appearance as aforeſaid, and ſhall not make his or their Appearance at the Day, but make Default, ſhall be fined by the Juſtices of the County Courts, Five Hundred Pounds of Tobacco, to his Majeſty, his Heirs and Succeſſors; both the ſaid Fines to be to his Majeſty, his Heirs and Succeſſors, for the Support of the Government of this Province.

Perſons ſummoned to the Provincial Court, making Default, ſhall be fined 1000 lb Tobacco;

in the County Court 500 lb Tobacco.

IV. **Provided nevertheleſs,** That all Magiſtrates, Delegates, Coroners, Schoolmaſters, Overſeers of Highways, and Conſtables, during their Continuance in their reſpective Stations or Buſineſs, ſhall be exempt from any Attendance as Jurors.

Who ſhall be exempted from ſerving on Juries.

V. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That every Perſon that ſhall be duly ſerved with Proceſs to appear at the Provincial Court as a Witneſs to teſtify in any Matter or Thing there depending, and ſhall not keep his Day of Appearance, but make Default, ſhall be fined by the Juſtices of the Provincial Court, One Thouſand Pounds of Tobacco. And every Perſon that ſhall be duly ſerved with Proceſs to appear in any of the County Courts of this Province, as a Witneſs to teſtify in any Matter or Thing there depending, and ſhall not keep his Day of Appearance, but ſhall make Default, ſhall be fined by the Juſtices of the County Court where ſuch Default ſhall happen, the Sum of Five Hundred Pounds of Tobacco; both which Fines ſhall be to his Majeſty, his Heirs and Succeſſors, for the Support of the Government of this Province. And the Perſons that ſhall be ſummoned as Evidences, and ſhall make Default as aforeſaid, ſhall not only be liable to the Fines aforeſaid, but ſhall alſo be liable to anſwer the Party for whom he ſhall be ſummoned, in an Action upon the Caſe, for the Damages ſuſtained for want of his Appearance to teſtify, according to ſuch Summons; and ſhall be held to Special Bail on ſuch Action, and ſhall be liable to a Conviction thereon, for all Damages that ſhall be ſuſtained by ſuch Party, for want of ſuch Evidence; and ſhall alſo be liable on ſuch Default, at the Requeſt of the Party for whom ſuch Evidence ſhall have been ſummoned, to have his, her, or their Body or Bodies attached by

Witneſſes ſummoned and not appearing, ſhall be fined, in the Provincial Court 1000 lb Tobacco,

in the County Court, 500 lb Tobacco,

and alſo be liable to Suit for Damages ſuſtained for Want of their Evidence, and held to Special Bail.

May have their Bodies attached to oblige their Attendance.

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by Proceſs out of the Court to which they were ſummoned, which ſuch Court is hereby authoriſed and required to award accordingly; by virtue of which Proceſs the Sheriff ſhall be obliged to have the Body of ſuch Evidence at the Court where ſuch Writ ſhall be returned to, and ſhall oblige their Attendance at the ſame Court. And in caſe any Witneſs ſummoned or attached, who being preſent, ſhall refuſe or delay to give his Evidence, ſuch Witneſs ſhall be committed to Jail, there to remain till he ſhall willingly do the ſame.

Appearing and refuſing to give Evidence, may be committed.

Every Provincial Grand Jury, to be allowed 3000 lb Tobacco, in the Public Levy.

VI. And for the aſcertaining the Expences of Jurors and Evidences; Be it Enacted, That it ſhall and may be lawful for his Majeſty's Juſtices of the Provincial Court of this Province, to allow unto the Grand Jurors that ſhall ſerve in the Provincial Court, towards the defraying the Expences of the ſaid Jurors, for every Court they ſhall attend, any Quantity of Tobacco, not exceeding Three Thouſand Pounds of Tobacco, at the Diſcretion of ſuch Juſtices, to be paid out of the Public Levy of this Province.

Every County Grand Jury, to be allowed 500 lb Tobacco, in the County Levy.

VII. And be it alſo Enacted, That it ſhall and may be lawful for the Juſtices of the ſeveral and reſpective County Courts of this Province, to allow unto the Grand Jurors that ſhall ſerve in the ſeveral and reſpective County Courts, any Sum of Tobacco, at the Diſcretion of the ſaid Juſtices, not exceeding Five Hundred Pounds for each Court they ſhall ſerve; to be paid out of the ſeveral and reſpective County Levies.

Allowance to Juries. *See the Note below.*

VIII. And be it further Enacted, That it ſhall and may be lawful for the Juſtices of the Provincial Court, to allow unto every Petit Juror ſummoned to ſerve in the ſame Court, the Sum of * Thirty Pounds of Tobacco for every Day ſuch Juror ſhall attend in ſuch Service, to be paid them in the Public Levy, beſides the Sum of † One Hundred and Twenty Pounds of Tobacco, to be allowed every full Jury that ſhall paſs their Verdict in any Cauſe, to be paid by the Party for whom ſuch Verdict ſhall paſs, and be allowed in the Bill of Coſt as uſual: And that the Clerk of the Provincial Court, for the Time being, lay a Liſt of all Perſons that ſerved as Petit Jurors in the Provincial Court, with an Account of the Number of Days they attended, and the Counties they were returned for, before the Committee for laying and apportioning the Public Levy yearly, under the Penalty of Six Thouſand Pounds of Tobacco, to the King, his Heirs and Succeſſors, for Support of Government; to be recovered by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed; for which he ſhall be allowed in the Public Levy, Two Hundred Pounds of Tobacco, and no more.

* 48 lb Tobacco *per Diem*, in lieu of all Allowances by any former Act, 1760, *ch.* 16, §. 2.
† 96 lb Tobacco to every full Jury. *Ibid.*
See 1719, *ch.* 3, §. 2, for the Penalty on Perſons giving more to a full Jury than 120 Pounds of Tobacco, or 12 Shillings in Money.

No Perſon to ſerve as a Petit Juror in any Court where he hath an Iſſue depending for Trial the ſame Court.

IX. And to prevent Partiality in Jurors, Be it Enacted, *by the Authority, Advice and Conſent aforeſaid*, That no Sheriff ſhall ſummons any Perſon to ſerve as a Petit Juror in any Court whatſoever, where he hath Knowledge ſuch Perſon hath any Matter of Fact depending for Trial at the ſame Court he is ſummoned to ſerve in; and that no Perſon having ſuch Matter of Fact depending for Trial as aforeſaid, ſhall be admitted as a Qualified Juror, between Party and Party, during the Sitting of ſuch Court that ſuch Matter of Fact ſhall be, or expected to be tried in.

Allowance to Witneſſes, in the Provincial Court, 40 lb Tobacco *per Diem*.

X. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for the Juſtices of the Provincial Court to allow unto every Perſon or Perſons, that ſhall be legally ſummoned to give their Evidence in the ſaid Courts, the Sum of Forty Pounds of Tobacco, and no more, for every Day they attend at ſuch Court, together with their itinerant Charges, as uſual, to be allowed by the Court, and paid by the Perſon ſummoning them, and to be charged in the Bill of Coſt, in Caſes of *Meum* and

and *Tuum*; and in all Cases criminal, to be paid according to the Directions of the * Act of Assembly of this Province, *for speedy Trial of Criminals, and for the Payment of their Fees.* And that it shall and may be lawful for the Justices of the several and respective County Courts of this Province, to allow unto every Person or Persons that shall be summoned to give their Evidence in their several and respective Courts, in any Action or Controversy depending in the said Courts, the Sum of Thirty Pounds of Tobacco for every Day they atttend as an Evidence, until such Cause shall be ended, and no more; to be paid in the same Manner as Evidences that attend the Provincial Court are herein before directed to be paid. CHAP. XXXVII. In the County Courts, 30 lb Tobacco *per Diem*.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* 1715, *ch.* 26. See the Act of 1760, *ch.* 16, §. 6, for their Allowance of itinerant Charges, when summoned to give Evidence in any other County.

CHAP. XXXVIII.

An Act ascertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent cropping and defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead for the Support of Government; and for encouraging Settlements in this Province by ascertaining the Manner of paying the Alienation Fines and Quit-Rents to the Lord Proprietary of this Province, on the Conditions therein mentioned. *Lib.* LL. N° 4. *fol.* 206. *EXP.* Passed 3d *June* 1715.

To remain in Force till the End of the next Session which should happen after the 10th *May* next ensuing. A new Act 1716, *ch.* 8.

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An ACT for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, securing Filial Portions, and Distribution of Intestates Estates *Lib.* LL. N° 4. *fol.* 214. Ditto.

Supplementary, and other Acts relating hereto, are, 1718, *ch.* 5; 1719, *ch.* 14; 1720, *ch.* 24; 1722, *ch.* 10; 1726, *ch.* 9; 1729, *ch.* 24; 1729, *ch.* 25; 1735, *ch.* 17; 1752, *ch.* 3; and 1758, *ch.* 4.

WHEREAS for due Administration of Justice, it is most necessary that the Wills of all Persons may be duly proved and executed, and Letters of Administration of the Estates of all Persons dying without Wills may be granted to such Persons who have the best Right to succeed thereto, and all Legacies speedily recovered, and Filial Portions and Orphans Estates duly secured, and easily obtained, according to Law and Justice. Preamble.

II. **Be it Enacted**, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That the Judge or Commissary-General for Probate of Wills, and granting Administrations, hold his Court once in Two Months at the least, or oftener, as the Case shall require, and therein shall proceed according to the Laws of *England* now in Force, or to be hereafter in Force, within Twelve Months after such Laws shall be Published in the Kingdom of *Great-Britain*, if pleaded before him; saving in such Cases, as by this present Act is provided: And that it shall and may be lawful for the Judge for Probate of Wills to take the Probate, or cause to be proved, any Last Will or Testament within this Province, although the same concerns Titles of Land; any Law, Statute, Usage or Custom, to the contrary notwithstanding. The Commissary-General to hold his Courts once in two Months: How to proceed therein. His Authority in taking Probate of Wills.

III. **And** to the End that all Filial Portions may be secured to the Children of all Persons dying Intestate, and Legacies paid to Legatees of Persons making Wills and Testaments; **Be it likewise Enacted**, *by the Authority aforesaid*, *by*

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Administrators, &c. to exhibit Inventories within Three Months, and Accounts within 12 Months, failing herein, the Judge may issue Attachments against them, and after two Attachments, may revoke the first Administration.

by and with the Advice and Consent aforesaid, First, That the Judge for Probate of Wills, and granting Administrations, shall call all Executors and Administrators to exhibit Inventories within Three Months, and render Accounts within Twelve Months, next after Administration committed, of the Personal Estates of such deceased Persons: And if any Administrator shall fail to exhibit such Inventory, or give an Account within the Time aforesaid, being lawfully thereunto cited, that then the said Judge, if he see just Cause, may issue forth Process of Attachment against such Administrator, to oblige him, her, or them, as well to exhibit an Inventory, or render Account as aforesaid, as to answer for his, her, or their Contempt of such former Process, after the usual Manner. And in case such Administrator shall not render such Account, or exhibit such Inventory, until two several Attachments shall be returned to two separate Courts against such Administrators, either that the Administrator hath been attached, or is not found in the County where they live, it shall and may be lawful for the said Judge to revoke the first Letters of Administration to such Administrator committed, and shall grant Administration, *de Bonis non administratis*, to such as shall have the next Right to such Administration; which said Administrator shall be duly qualified as usual, and give Security, as all other Administrators do, and shall sue and implead the former Administrator before the Judge aforesaid, for the exhibiting an Inventory, and rendering an Account of the Estate of the Intestate; or if he shall see fit, shall make Application to such Judge or Commissary-General, for the Assignment of the Bond entered into by the former Administrator and his Sureties, and shall or may put the same Bond in Suit against such Administrator and his Sureties (if need be) to be relieved thereon, for any Neglect or Male-Administration by such former Administrator done or suffered, of such deceased Person's Estates.

The Surplusage of every Intestate's Estate, shall be distributed, *viz.* One Third to the Widow, and the Remainder equally among the Children, &c. such excepted as have received Portions in the Intestate's Life Time.

IV. **And be it further Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That when a full Account is made by any Administrator, of any Intestate's Estate, the Judge aforesaid shall make, or cause to be made Distribution of the Surplusage of such Estate, in Manner and Form following, *(That is to say,)* One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying Intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) or who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his Life Time, by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made.

But if such Portions be not equal to the Share by Distribution, then shall their Estates be made equal with the others. But the Heir at Law shall have a full Share notwithstanding any Lands by Descent, &c.

V. **And** in case any Child (other than the Heir at Law) who shall have an Estate by Settlement, from the said Intestate, in his Life Time, by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life Time of the Intestate, as shall make the Estate of all the said Children equal, as near as can be estimated: But the Heir at Law, notwithstanding any Land that he shall have by Descent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise, from the Intestate.

If there be no Children, &c. the Widow to have one Half, &c.

VI. **And** in case there be no Child or Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allowed to the * Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and those

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those who legally represent them. Provided there be no Representatives admitted among Collaterals, after Brothers and Sisters Children. And in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: And in case there be no Children, to the next † of Kindred in equal Degree of or unto the Intestate, or their legal Representatives as aforesaid.

If no Widow, the Estate to be divided among the Children.

If no Children, among the next of Kindred in equal Degree, &c.

* In case there be a Widow, no other Collaterals shall be allowed than those directed by this Act; and she shall have the whole Residue. 1719, *ch.* 14, §. 4; and 1729, *ch.* 24, §. 19.

† In case the Administrator be of Kin to the Deceased, within the Fifth Degree, either of Consanguinity or Affinity; he, and all others equally related, shall have the same Right to the Residue as Brothers and Sisters Children. 1719, *ch.* 14, §. 3; and 1729, *ch.* 24, §. 18.

But in case there be no known Relations of the Intestate, or Representatives legally entitled to the Residue, the Administrator shall pay the whole Balance to the Visitors of the Public School in that County where the Deceased resided, for the Use of such School. 1719, *ch.* 14, §. 2; and 1729, *ch.* 24, §. 17.

The Commissary-General to transmit an Account of such Distribution to the County Court.

VII. And after such Division or Distribution made, or caused to be made, by the Judge aforesaid, the said Judge shall transmit the Account thereof, if not before transmitted, to the several and respective Justices of the County Courts where the said Estates shall be and remain: And if any Part thereof belong to an Orphan who is capable of chusing his Guardian, such Orphan shall be called to Court, and shall then and there chuse his Guardian, into whose Hands the said Orphan's Estate shall be committed; but if such Orphan be not at Age, then the Justices aforesaid shall put the Person's Lands, Goods and Chattels of the said Orphans into the Hands of such Person or Persons as they shall think fit, and take a Bond, with two sufficient Sureties, in the Names of the Orphans themselves, for the securing and delivering of the said Estate to said Orphans or their Guardians, when thereunto lawfully called, according to the Rules and Directions by this Act prescribed, and not otherwise: Which Rules shall be Rules not only for the Justices of the County Courts to proceed by, in taking the Accounts of Guardians or Trustees for Orphans, but also for the Judge for Probate of Wills and granting Administrations, in the Accounts of Administrators, and bare Executors to the Benefit of Others: Nor shall the Judge give any other ‖ Allowances to any Administrator or Administrators, upon his, her, or their Accounts, but for Debts *bonâ Fide* owing from the Deceased, and really paid, or secured to be paid, by the several and respective Administrators, together with the necessary Charges.

Orphans, if at Age, shall chuse their Guardians in Court, if not at Age, the Court shall put them, their Lands, &c. into fit Hands.

The Rules of this Act to be observed both by the County Court, and the Commissary-General.

No Allowance to be made to Administrators, but for Debts of the deceased actually paid, &c.

‖ Allowance for their Trouble, see below, §. 23, 24, 25, and 26. For Costs, see 1722, *ch.* 10, §. 4.

Slaves not to be sold, &c. or taken in Execution for Debts of the Deceased, while there are other Goods sufficient.

VIII. First. No Negro or other Slave shall be sold or disposed of, by any Administrator, for Payment of Debts, or otherwise reserved for the Administrator's own Use, in Satisfaction of any Debts due to the said Administrators; nor any Execution served upon any Negro, or other Slaves, so long as there shall be ‡ other Goods of the Deceased sufficient to satisfy the just Debt of the said Deceased; but shall be kept upon the Hazard of the Estate, and employed for the Benefit of the Creditors and Orphans, (if any be) until the Crop that was upon Hand, or shall have been begun in the Life Time of the Deceased, shall be finished; which shall always be deemed to be by the last Day of *January* next after such Intestate's Decease: After which the Administrator is to account for the Estate; and such Crop shall be Assetts to the Creditors, and dividable between the Wife and Child, or Children, or Relations of the said Deceased, if there be no Creditors: And the Judge for Probate of Wills, upon passing the Account by such Administrator, shall allow him his reasonable Charges expended in finishing such Crop.

‡ The Executor or Administrator shewing such other Goods, which the Sheriff is required to demand. 1729, *ch.* 24, §. 2.

Orphans to be supported

IX. Second. That no Account be allowed for Diet, Cloaths or Physic, to any Administrator, or Guardian to any Orphan, against the Estate of the Intestate,

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Inteſtate, or againſt the Filial Portion of any Child committed to any Guardian, or other Perſons, intruſted by the County Court: But the ſaid Orphan ſhall be maintained and educated by the Intereſt of their Eſtate, and the Increaſe of their Stocks, ſo far forth as their ſaid Intereſt and Increaſe will extend unto. But if the Eſtate be ſo ſmall that the Intereſt or Increaſe thereof will not extend to a free Education and Maintainance of ſuch Orphans, then ſuch Orphans ſhall be bound Apprentices to Mariners, or ſome Handycraft Trade, or other Perſon, at the Diſcretion of the County Courts, until they arrive to the Age of Twenty-one Years; except ſome Kinſman or Relation, or ſome other charitable Perſon will maintain and educate them for the Increaſe of the ſmall Eſtate they have, without any Diminution of the Principal, which ſhall always be delivered to the Orphans at the Years hereafter in this Act limited and appointed; then ſuch Kinſman, Relation, or other charitable Perſon, is thereby obliged to perform what is by this Law before enjoined, and to be aſcertained by the County Courts.

by the Intereſt of their Eſtate, without Diminution of the Principal. Which if too ſmall, the Orphans ſhall be bound Apprentices by the County Court, till the Age of 21, unleſs their Education, &c. be undertaken by ſome Kinſman, &c.

Children of a Proteſtant may be taken from a Papiſt Mother, &c.

X. **Provided always**, That where any Perſon, being a Proteſtant, ſhall die, and leave a Widow and Children, and ſuch Widow ſhall intermarry with any Perſon of the *Romiſh* Communion, or be herſelf of that Opinion and Profeſſion, it ſhall and may be lawful for his Majeſty's * Governor and Council, within this Province, upon Application to them made, to remove ſuch Child or Children out of the Cuſtody of ſuch Parents, and place them where they may be ſecurely educated in the Proteſtant Religion; and to order ſuch reaſonable Maintainance for ſuch Child or Children ſo removed, out of the Eſtate or Eſtates belonging to ſuch Child or Children, in whoſe Hands ſoever; having Reſpect that only the Yearly Profits and Increaſe thereof be applied thereto, and ſuch Children's Eſtates be not diminiſhed thereby.

* By the Act of 1729, *ch.* 24, §, 12 and 13, the County Court may, on Application, remove ſuch Children out of the Mother's Cuſtody, and place them under Proteſtant Truſtees, and allow the Intereſt of their Eſtates, or ſuch Part thereof as may be neceſſary, for their Support, ſo as not to diminiſh the principal Eſtate. But an Appeal ſhall lie in the Premiſes from the County Court to the Governor and Council. And the like Care ſhall be taken, that the Children of all Proteſtants of the Church of *England*, ſhall be brought up in the Principles of that Church.

Cattle, &c. to be returned to Orphans in Kind.

XI. **Third.** That all Cattle, Horſes and Sheep ſhall be returned in Kind by the Guardians, or other Perſons intruſted with Orphans Eſtates, *(That is to ſay,)* ſo many Cattle, Horſes and Sheep, as were delivered to the Guardians or Truſtees of the Orphans, and as near as can be, of like Value.

Money, Plate, &c. to be paid in Specie, Houſhold Stuff, &c. to be appraiſed, and paid in Money or Tobacco.

XII. **Fourth.** That all Money, Plate, Rings and Jewels, be preſerved, and not uſed by the Guardians or Truſtees, and delivered to the Orphans when they come to Age. And that all Houſhold Stuff and Lumber be appraiſed in Money, and not otherwiſe, and the Value thereof paid to the Orphans as aforeſaid, either in Money according to the Appraiſement, or in Tobacco at the then Price Current. And in caſe any Difference ſhall ariſe what ſhall be Price Current at the Day of Payment limited in the Bond taken, the Juſtices of the County Court, where the Orphan's Eſtate doth lie, ſhall then determine what ſhall be the Price Current.

Male Orphans to be of Age at 21.

Infant Executors, are capable of that Truſt at the Age of 17.

XIII. **Fifth.** That every Male Orphan ſhall be of full Age, to receive his Eſtate from his Guardian, at the Age of Twenty-one Years, and not before. But in caſe any Perſon, by his Laſt Will and Teſtament, doth appoint any Perſon to be his Executor or Executrix, that is full Seventeen Years of Age; that Perſon, ſo appointed, ſhall be adjudged to be of ſufficient Age to be Executor or Executrix: And if ſuch Executor or Executrix be under the Age of Seventeen Years, the Adminiſtration ſhall then be committed to ſuch proper Perſon as the Judge for Probate of Wills and granting Adminiſtrations ſhall legally approve of, *durante Minoritate*, to the Profit, Uſe and Behoof of the Infant Executor or Executrix, and not otherwiſe, nor in any other Manner.

XIV. And

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XIV. And forasmuch as the Right to Administration of the Goods of Persons intestate, may fall upon Persons under the Age of Seventeen Years; it is hereby Declared, That as they are within like Reason, so they are within like Law with Infant Executors.

Female Orphans to be of Age at 16, &c.

XV. Sixth. That every Female Orphan shall be accounted of full Age to receive her Estate, at the Age of Sixteen Years, or Day of Marriage, which shall first happen.

Slaves to be appraised to the Guardians, and paid to the Orphan in Specie.

But if aged, or impotent, may be re-appraised by the Court, &c.

XVI. Seventh. That all Negroes and other Slaves, after the transmitting the Estate to the County Courts as aforesaid, shall be appraised to the Guardian or Trustees, and preserved by them, and be employed to the said Guardians or Trustees Use and Benefit; and the like Number of Slaves, and of the like Ability of Body, be returned to the said Orphans, out of their Increase, or otherwise, at their full Age by this Law limited. And if any of the said Slaves be grown aged, or otherwise impotent, or be lamed, and that the Increase will not make the original Stock good, as to the Number and Ability of Body, that then they shall be again appraised by the said County Courts, and the Guardians or Trustees shall pay to the Orphans so much Money or Tobacco, as the County Courts shall adjudge the Orphan's Stock of Negroes then, to be of less Value than they were at the Time of their first Appraisement and Delivery of their said Slaves to the said Guardians or Trustees. But in case no Guardian, or other Person, will, upon those Terms, accept of those Slaves; then it shall and may be lawful for the said several and respective County Courts to put the said Slaves out upon other Terms, to any other Person, so that the said original Stock of Slaves be not sold, nor any of their Increase, but in the best Manner preserved for the Orphans 'till they come to their several Ages by this Act limited and appointed; to the Intent they may have their first Stock made good to them, in Number, Value, and Ability of Body, if it may be.

or put out so as they and their Increase may best be preserved to the Orphans. *See farther in* 1729, *ch.* 24, §. 6.

Servants for Years, to be returned in Kind.

XVII. Eighth. That all Servants for Years be likewise returned in Kind to the Orphans at their full Age, *(That is to say,)* the same Number, of the same Age and Sex, and by like Number of Years to serve, and of the same Ability of Body, as near as can be estimated, as the Servants were when received by the Guardian or Trustee.

The Commissary-General shall send the Balance of Accounts passed, or Distribution made by him, to the respective County Courts within 3 Months, on Penalty of 10000 lb Tobacco.

XVIII. And to the End that after an Account or Distribution made as aforesaid, the Balance of such Account, or the Distribution of such Balance, may not be neglected to be transmitted to the several and respective Justices of the County Courts, as before is directed; Be it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent aforesaid,* That if such Judge for Probate of Wills, Commissary or Commissaries General, shall not, within Three Months after such Account made up, exhibited and passed in his Office, or after Distribution made by him as aforesaid, transmit the Balance or Account thereof, as before by this Act is directed, to the several and respective Justices of the County Courts where the Estate shall be and remain, he or they shall forfeit and pay to our Sovereign Lord the King, his Heirs and Successors, the Sum of Ten Thousand Pounds of Tobacco; of which one Moiety for the Support of Government of this Province, the other Moiety to him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

Desperate Debts to be committed by the County Court, to the Guardian, &c. who shall

XIX. Ninth. Whereas every Administrator, in an Inventory, inserts what Debts are sperate, and what Debts are desperate, the Judge for Probate of Wills shall transmit those desperate Debts of the Estate unto the several and respective Justices of the County Courts where the Estate shall lie, to the End the said Justices may inquire, whether the Administrator hath, by Fraud

or

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or otherwiſe, neglected to recover the ſame, or hath received, and never accounted for the ſame? And ſhall, with the Reſidue of the ſaid Eſtate, commit the ſaid deſperate Debts to the Care of the ſaid Guardian, or other Truſtees, by them employed; and ſhall Yearly, and every Year, call the ſaid Guardians to Account for the ſame, and duly inſpect what of the ſaid Debts they have received, or might have received. And if the ſaid Guardian or Truſtee fails to give in his Account Yearly, or by Fraud or Covin neglect or forbear to recover the ſame, the ſaid Guardian or Truſtee ſhall ſtand and be accountable for every ſuch Debts by them received, and not accounted for, or neglected or forborn to be recovered; under the Penalty of Five Hundred Pounds of Tobacco each Juſtice preſent in Court, one Half to his Majeſty, the other Half to the Informer, or him or them that ſhall ſue for the ſame, to be recovered as aforeſaid.

be called to Account for the ſame yearly.

Guardians failing herein ſhall be accountable.

Penalty on Courts neglecting their Duty.

XX. **Tenth.** That the Juſtices of the County Courts take able and ſufficient Security for Orphans Eſtates, and enquire Yearly of the Security; and if there be juſt Cauſe, that they require new and better Security; and, upon Refuſal to give new and better Security, that they remove the Orphans Eſtates out of their Hands.

County Courts to take Security, and inſpect it yearly, &c.

By 1729, *ch.* 24, §. 6, the County Courts, as often as they find it neceſſary, may demand new or better Security for any Orphan's Eſtate; and, in caſe of the Guardian's Refuſal thereof, ſhall immediately remove ſuch Orphan's Perſon and Eſtate into other Hands. And, in caſe of Refuſal to obey their Order of Removal, may iſſue Attachment, &c. againſt ſuch Guardian to anſwer the Contempt, and commit him to Priſon till ſuch Order be complied with, &c. And by 1752, *ch.* 3, §. 4, the Court is inveſted with the like Power over Guardians choſen by Orphans.

XXI. **And further,** That the Juſtices of the County Courts, ſhall Yearly, in *June* Court, enquire by a Jury of good and lawful Men, to be ſummoned out of the ſeveral Hundreds of the County, not under the Number of Twelve, who, upon their Oaths, ſhall enquire, according to the Form hereafter expreſſed, *viz.* "*Whether the Orphans be kept, maintained and educated, according* "*to their Eſtates? And whether Apprentices are taught their Trade, or rigo-* "*rouſly uſed, and turned to common Labour at the Axe or Hoe, inſtead of learning* "*their Trades?*" And if they find that Orphans are not maintained and educated according to their Eſtates, or Apprentices neglected to be taught their Trades, upon Pretence that the laſt Year is enough to learn their Trade, that they remove them to other Guardians and Maſters. And in caſe the Jury find that any Apprentice is not taught his Trade, but put to other Labour as aforeſaid, the County Court ſhall condemn the Maſter of ſuch Apprentice to make the Apprentice ſuch Satisfaction, as in Juſtice his Years of Labour, or other Work, ſhall deſerve.

An Orphan Jury to be appointed every *June* Court.

Their Oath of Inquiſition.

In what Caſes Orphans ſhall be removed to other Guardians or Maſters.

Penalty on the Maſters.

XXII. **Eleventh.** That the Juſtices of the County Courts cauſe the Condition of the Bonds they take from Guardians or Truſtees of Orphans Eſtates, to be exactly drawn according to this Act, and recorded in the County Court, and the Indentures for Apprentices likewiſe; that it may duly appear to the Juſtices, whether Guardians, Truſtees and Maſters, do Right and Juſtice to Apprentices, and to the Country; and that the Juſtices do Right between them. And to that End, that they cauſe the Clerk of their County to preſent the Jury with a Liſt of the Orphans and Apprentices of their County, every *June* Court.

Guardians Bonds to be recorded, and likewiſe Indentures of Apprentices.

County Clerk to lay a Liſt of Orphans before the Jury every *June* Court.

XXIII. **Twelfth.** And for better aſcertaining what Salary ſhall be allowed Executors and Adminiſtrators, upon their Account of Adminiſtration, by the Commiſſary-General of this Province, for their Pains and Trouble, Hazard and Adventures in adminiſtring Eſtates; **Be it Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That for every Sum or Sums of Money, Quantity or Quantities of Tobacco, or other Goods or Chattels, that ſhall be *bonâ Fide* paid by Executors or Adminiſtrators, the Commiſſary-

10 per Cent, to be allowed Executors &c. for all Sums of Money, Tobacco, &c. by them paid. (*The Reſidue excepted. See* §. 26.)

Commissary-General shall allow the Executors or Administrators the Salary of Ten per Cent, except as is herein after excepted. CHAP. XXXIX.

XXIV. **And be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That if the Residuary Legatees, of any Person or Persons dying within this Province, and making a Will; or the next of Kindred to any Person or Persons dying Intestate in this Province, and who ought to have the Residue of such deceased Person's Estate, do dwell in *England,* or other Parts of his Majesty's Dominions, out of this Province, so that the Executor or Administrator convert the Residue of all the Real and Personal Estate (after Debts and Legacies here paid) into Money, or other Effects, for the best Advantage of the Persons to whom due, and returns the same to such Residuary Legatees or Kindred as aforesaid, that then the Commissary-General shall allow to such Executor or Administrator, the usual Salary allowed by Merchants to their Factors, *viz.* Ten per Cent. In what Case 10 per Cent, upon the whole Residue shall be allowed.

XXV. **And whereas** it sometimes happens, that Persons of great Dealing, dying in this Province, have their Books very imperfect, so that it cannot be exactly known what Debts are due upon such Books, unless the Executor or Administrator take the Pains to carry about such Books from one supposed Debtor to another, to state the Accounts; which many Times proves a considerable Toil to the Executor or Administrator, and requires a very great Deal of Trouble and Charge; and many Times there appear Discounts or Defeazances, or Receipts, to bar such Book Debts; or the Debtors, where the Accounts are old, are insolvent, or the like; and the Executors or Administrators, for such their great Pains and Diligence, have hitherto had no Allowance. Therefore, lest it should be a Discouragement to Executors and Administrators, that having no Salary therefor, they should be negligent, or too sparing of Pains to improve the Testators or others Estates; **Be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That where the Executor or Administrator can fairly make appear to the Commissary-General, that he hath had such considerable Toil as aforesaid, and no Benefit hath arisen to him thereby, to recompence his said Toil; it may be lawful to and for the said Commissary-General, to allow such Executor or Administrator something in the whole for such Pains and desperate Debts, at the Discretion of such Commissary-General, not exceeding Five per Cent on any one Man's Estate. In case of considerable Trouble in settling Accounts, &c. the Commissary-General may allow something in the whole, not exceeding 5 per Cent.

XXVI. **But** for such Part of the Deceased's Estate that shall remain (after all Debts and Charges paid and disbursed, and Account passed before the Commissary-General) to Residuary Legatees, or other Legatees, or next of Kindred, and delivered to them in Specie, without traversing the Estate, and converting it into Money or Tobacco for that Purpose, there shall be * no Salary allowed; any Usage, Custom, or former Act of Assembly to the contrary notwithstanding. But no Allowance for any Part of the Residue paid in Specie.

* Except when payable to the Use of Free-Schools by the Act of 1719, *ch.* 14: In which case the Administrator shall be allowed by the Act of 1729, *ch.* 24, §. 17, Ten per Cent, if such Residue be paid in Money, and 5 per Cent, if paid in Specie.

XXVII. **Thirteenth.** And further, in regard by the Judge's or Commissary-General for Probate of Wills and granting Administrations, his Commission, there is a Saving to all Persons their Right of Appeal, from the Sentence of the said Judge, to the Chief Governor of this Province, for the Time being; **Be it Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That all and every Person and Persons appealing from the Sentence of the said Judge, shall, within * Fifteen Days at the furthest after such Sentence, enter his Appeal before the said Governor; and, within Fifteen Days more, petition the Governor of this Province for the Time being, to examine the Sentence of the said Judge, or appoint such other Appeals from the Sentence of the Commissary-General to a Court of Delegates, whose Determination shall be final.

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Perſon or Perſons as he ſhall think fit to hear and determine the ſame; whoſe Sentence ſhall be final without other Appeal, Repeal or Review.

* By the Act of 1726, *ch.* 9, §. 2, all Perſons are allowed 30 Days to enter an Appeal from any Sentence in the Prerogative Court, and 30 Days more to proſecute the ſame before a Court of Delegates.

In caſe of Compliance, Appeal may be granted.

XXVIII. **Provided nevertheleſs,** That in caſe the Perſon or Perſons againſt whom ſuch Sentence ſhall paſs, ſhall comply with the ſame, then it ſhall and may be lawful for the Governor, or ſuch Court of Delegates to grant an Appeal therefrom.

Deputy-Commiſſaries to be appointed in each County,

XXIX. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the Commiſſary-General of this Province, or other Perſon or Perſons that ſhall from Time to Time be appointed as Judge or Judges in Teſtamentary Cauſes for granting Adminiſtrations, ſhall, from Time to Time, and at all Times, during his or their continuance in ſuch Office, conſtitute, ordain and appoint, ſome able and ſufficient Perſon, of good Repute, and a Free-holder, in every reſpective County within this Province, to take the Probate of any Laſt Will and Teſtament of any Perſons, either Nuncupative, or in Writing, even though the ſame be concerning Titles of Land; and likewiſe to grant Adminiſtration of the Goods and Chattels of Perſons dying Inteſtate, in the reſpective County or Counties where each Perſon or Perſons ſo appointed ſhall reſide and inhabit; which ſaid Perſon in each reſpective County of this Province, ſo appointed as aforeſaid, ſhall and may take the Proof of any Will whatſoever as aforeſaid, of any Perſon as aforeſaid, within the County as aforeſaid, and grant Letters Teſtamentary upon the ſame, and likewiſe grant Adminiſtration to any Perſon or Perſons whatſoever, that Right has to the Adminiſtration of the Eſtate of any Perſon deceaſed, within the County where he dwelleth as aforeſaid. But if any Conteſt or Diſpute ſhall ariſe between any Perſons, concerning the Right to Adminiſtrations or Executorſhip, the ſame ſhall be decided by the Commiſſary-General, or Judge in Teſtamentary Cauſes, and not by ſuch Perſon appointed in each County as aforeſaid; neither ſhall ſuch Perſon grant Adminiſtration, or take the Probate of ſuch Will, till ſuch Time as ſuch Diſpute or Difference ſhall be decided and determined by the proper Judge thereof, and Certificate from ſuch Judge of ſuch Determination or Deciſion. And ſuch Perſon ſo appointed as aforeſaid, ſhall, and is hereby allowed, as a Fee for granting ſuch Letters of Adminiſtrations as aforeſaid, ſwearing the Adminiſtrators and Appraiſers, or for the Probate of any Will, and ſwearing the Executor or Executrix, Appraiſers, and Letters Teſtamentary, the Sum of One Hundred and Fifty Pounds of Tobacco, to be levied by Execution, after the ſame Manner, and under the ſame Penalties directed by the Act of Aſſembly of this Province, *for Limitation of Officers Fees,* againſt the Perſon or Perſons requiring and having Letters of Adminiſtration, or Letters Teſtamentary as aforeſaid; unleſs the Eſtate be ſo ſmall as the Inventory of ſuch Eſtate doth not amount unto * Ten Pounds in Money, there ſhall be paid to ſuch Perſon ſo appointed, for ſuch Letters of Adminiſtration, or Letters Teſtamentary as aforeſaid, the Sum of Fifty Pounds of Tobacco, to be levied as aforeſaid, and no more; and then, and in every ſuch Caſe, the Commiſſary-General ſhall have no Fees.

who may take Probate of any Will, and grant Letters Teſtamentary, *&c.*

But Diſputes concerning the Right of Adminiſtration, *&c.* ſhall be decided by the Commiſſary-General.

Deputy-Commiſſaries Fees, 150 lb Tobacco,

except Pauper Eſtates, *(for which ſee the Note below.)*

* By 1763, *ch.* 18, §. 107, all Eſtates, whoſe Inventory doth not exceed 30 *l.* Current Money, ſhall be deemed Pauper Eſtates, and pay Fees as above: And by §. 127, of the ſame Act, no Deputy-Commiſſary ſhall charge above 50 lb Tobacco for paſſing the firſt Account of any Pauper Eſtate, or demand any Fee for paſſing any additional Account thereof.

How the annual Value of real Eſtates of Orphans (otherwiſe than by Will) ſhall be eſtimated

XXX. **And be it Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That all Guardians of Orphans, that ſhall have any Real Eſtates in Lands, with the Orphan or Orphans to whom the ſame belong, committed to them, other than ſuch whom the Teſtator in his Life Time, by his Laſt Will and Teſtament, hath otherwiſe ordered and diſpoſed of, within One Month after taking upon him or her the Guardianſhip of ſuch Orphan

Orphan or Orphans, ſhall, with one Commiſſioner of the ſaid County where the Land lieth, and two other Perſons of good Repute, and well ſkilled in Building and Plantation Affairs, neither of them being of Kin, Indebted, or otherwiſe Intereſted, in either Orphan or Guardian, (ſuch two Perſons to be nominated by ſuch Commiſſioner,) enter into the Lands and Plantation to ſuch Orphan or Orphans belonging, and view the Dwelling-houſes, and Out-houſes, Lands, Orchards and Fences that are upon the ſaid Plantation; and then and there the ſaid two Perſons ſo qualified as aforeſaid, ſhall take their corporal Oaths upon the Holy Evangeliſts, by the ſaid Commiſſioner to be adminiſtered, That "*according to the beſt of their Skill and Judgment, they "will make a juſt Eſtimate of the annual Value of the ſaid Lands and Planta-"tion; and what Dwelling-houſes, Out-houſes and Orchards are upon the ſame, "and what Repair they are in; what Part of the ſaid Land the ſaid Guardian "may be further permitted to clear upon the ſaid Plantation, as well to raiſe the "Yearly Rent ſo valued as aforeſaid, as alſo towards his Yearly Charge in keeping "the ſaid Dwelling-houſes, Out-houſes, Orchards and Fences in Repair, and ſo "by him to be left;*" Always having a Regard to leave a proportionable Part, both for Quality and Quantity, of uncleared Land, for the Benefit and Advantage of the Orphans or Heir, when at Age to poſſeſs the ſaid Land or Plantation; as alſo the Orphan's Maintainance out of the ſame, where the Profits of Perſonal Eſtates be not ſufficient to maintain him or them, and the ſame to certify under their Hands and Seals, atteſted by the Commiſſioner ſo adminiſtring the Oaths as aforeſaid, to the County Court next enſuing after ſuch View ſo had and made as aforeſaid, and then to remain upon Record until the ſaid Orphan or Heir come to Age: Which Certificate, ſo entered and remaining upon Record as aforeſaid, ſhall be ſufficient Evidence in Law for the ſaid Orphan or Orphans to recover double Damages in an Action of Waſte, by them to be brought when at Age, for any Waſte, Sale, or Deſtruction committed or done in any of the Premiſes, other than what the Perſons have certified and thought neceſſary, with due Reſpect had to all Circumſtances and Matters aforeſaid.

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by two indifferent Perſons, nominated and ſworn by a Magiſtrate.

Their Oath and Duty.

Their Valuation, &c. to be certified and recorded.

Which Record ſhall be ſufficient Evidence in an Action of Waſte, for the Orphan to recover double Damages.

For the Obligation of Guardians to render Account to their Wards of the Surplus of the Profits of their Real Eſtates, beyond the neceſſary Expence of their Maintainance and Education: See 1729, *ch.* 24, §. 8.

XXXI. **And** to the End, as well the Guardian and Guardians aforeſaid, as the other Perſons mentioned and appointed to value the Land as aforeſaid, may not fail to do their Duty; **Be it Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That every Guardian or Guardians of any Orphan or Orphans, that ſhall for the future neglect, within One Month after entering upon his or their Guardianſhip aforeſaid, to do and perform what is by this Act required, ſhall forfeit the Sum of Five Thouſand Pounds of Tobacco: And any Commiſſioner or Juſtice of the Peace, or other Perſon or Perſons in the ſaid County living, that ſhall refuſe or neglect what is by this Act required of them to do and perform, being thereunto demanded, ſhall forfeit the Sum of Five Hundred Pounds of Tobacco each; one Half thereof to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of the Orphan or Orphans therein concerned, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any Court of Record in this Province, of all and every ſuch Perſon that ſhall ſo as aforeſaid refuſe or neglect to perform what is by this Act required.

Guardians neglecting ſuch View, &c. within the Time limited, forfeit 5000lb Tobacco.

Penalty on Magiſtrates or other Perſons neglecting or refuſing to act, when demanded.

XXXII. **And whereas** it has been doubted, whether in valuing or eſtimating the ſaid Orphans Lands and Plantations in this Act mentioned, the Quit-Rents to the Lord of the ſame are not to be conſidered and allowed for, as well as Reparations and other Things in this Act mentioned? **It is hereby further Enacted and Declared**, That the ſaid Quit-Rents ought, and are hereby declared and enjoined to be conſidered, deducted and allowed upon the Yearly Value of the ſaid Land, and the Guardian pay the ſame. And

Quit-Rents to be allowed in the Valuation, and paid by the Guardian,

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that any Guardian aforeſaid, that ſhall neglect, after ſuch Allowance made of the ſame in the Value of the ſaid Land, and hath not paid ſuch Quit-Rents as aforeſaid, ſhall forfeit to the Orphan, when at Age, Four-fold the Value of ſuch Rents that he left in Arrears at the full Age of ſuch Orphan; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

on forfeiture of Four-fold the Arrears.

County Courts to inquire of, and enforce Satisfaction to Orphans, for Waſte committed by their Guardians.

XXXIII. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the Commiſſioners of each County Court within this Province, by virtue of this Act, ſhall have Power, from Time to Time, and at all Times hereafter, upon Preſentment of the Orphan Jury, or other Information given to them, of ſuch Sale, Waſte, or Deſtruction made, done or committed, upon any Orphan's Real Eſtate, by any ſuch Guardian, to iſſue their Warrant, and cauſe ſuch Guardian to appear before them in the County Court: And, if upon Examination thereof, the ſaid Information be ſufficiently proved, that the ſaid Guardian ſhall anſwer the * Damage of ſuch Waſte by him committed contrary to this Law, to ſuch Orphans when at Age. And the ſaid Commiſſioners ſhall require ſuch Guardian or Guardians to give ſufficient Security to make Satisfaction to the ſaid Orphan or Orphans, when at Age as aforeſaid; and, upon Refuſal thereof, the ſaid Orphan or Orphans (if at Age to chuſe his or their Guardians) ſhall elect his or their Guardian or Guardians; and if not at Age to make ſuch Election, ſuch other Perſon or Perſons ſhall be appointed, as the Commiſſioners of the County Court where the ſaid Land lies, ſhall think meet; Which ſaid Guardian or Guardians, or other Perſon or Perſons, ſo choſen or appointed as aforeſaid, being willing to take the ſaid Orphans Real Eſtates into their Poſſeſſion, ſhall hold and enjoy the ſaid Lands and Plantations, committing no Waſte, and performing all ſuch Matters and Things at his or their Entry thereupon, as by this Act is required, until the ſaid Orphan or Orphans come to Age. And the ſaid Perſon or Perſons, ſo choſen Guardian or Guardians as aforeſaid, or by the Juſtices of the County Court ſo appointed, and put in Poſſeſſion of the Orphans Lands as aforeſaid, ſhall, by virtue of this Act, in the Name and to the Uſe of ſuch Orphan, bring his Action of Waſte againſt the former Guardian, for the Damages by him committed. And the Commiſſioners of the ſeveral County Courts within this Province, are hereby enjoined and required, to give in Charge, every *June* Court, to the Orphan Jury, to inquire, *if any Waſte hath been made of Orphans Lands?* under the Penalty of Sixteen Hundred Pounds of Tobacco; one Half thereof to his Majeſty, his Heirs and Succeſſors, for the Support of Government, the other Half to him or them that ſhall ſue for the ſame; to be recovered in the Provincial Court, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

And on his Refuſal to give Security to make Satisfaction to the Orphan when of Age, another Guardian ſhall be choſen, or appointed,

who ſhall bring an Action of Waſte againſt the former Guardian.

Penalty on the Juſtices neglecting at *June* Court to give in Charge to the Orphan Jury to inquire of Waſte made on Orphans Lands?

* By 1729, *ch.* 24, §. 9, as often as the County Court ſhall be informed, by the Grand Jury, or otherwiſe, of Waſte done by any Guardian on an Orphan's Eſtate, they ſhall iſſue their Warrant for bringing ſuch Guardian before them: And, if ſuch Information ſhall appear to be true, ſhall order the Sheriff to ſummon a Jury upon the Place, who ſhall inquire, on Oath, into the Damage. And the Court ſhall oblige the Guardian to give Security for double the Damages aſſeſſed by the Jury, or commit the Guardian till he comply with their Order therein.

Power of the Dep. Commiſſaries in paſſing Accounts,

XXXIV. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the ſeveral and reſpective Deputy-Commiſſaries, which are and ſhall be in the ſeveral and reſpective Counties within this Province, ſhall, and are hereby ſufficiently authorized and impowered to paſs, audit, and allow, all ſuch Accounts as ſhall come before them, relating to Dead Men's Eſtates, wherein they have granted Letters of Adminiſtration, or Letters Teſtamentary, not exceeding * Fifty Pounds in Money, Provided there be no Controverſy thereon; and to tranſmit ſuch Accounts within Two Months to the Commiſſary-General's Office, at the City of *Annapolis*, under the Penalty of Two Thouſand Pounds of Tobacco, one Half to his Majeſty, for the Support of Government, and the other Half to ſuch Party as ſhall render

which they ſhall tranſmit to the Commiſſary-General within 2 Months, on Penalty of 2000 lb Tobacco.

render such Account: For which passing such Account, the said Deputy-Commissary shall be allowed as a Fee, the Sum of † Fifty Pounds of Tobacco, to be levied as aforesaid, and no more: And if such Deputy-Commissary as aforesaid, shall exact, demand, or receive of any Person whatsoever, more than is by this Law for executing such his Office allowed him, he shall be liable to such Pains and Penalties as are included in a certain Act, for Limiting Officers Fees in this Province: But in case it shall so happen, that any Person or Persons having any Interest or Claim in such Estates, shall make any Objections to the Legality or Justice of any Article or Articles contained in the said Accounts, then the said Deputy Commissaries, are forthwith to mark such Articles, and transmit the Account, with all Papers thereto belonging, unto the Commissary-General, before whom all Parties are to appear and defend their Interest.

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Their Fee.

But in Case of Objection, such Accounts shall be determined by the Commissary-General.

* By the Temporary Act of 1763, *ch.* 18, §. 106, Deputy-Commissaries are impowered to pass any Accounts of the Estates of deceased Persons (without any special Commission from the Commissary General) where the Amount of the Inventory does not exceed 150*l.* Current Money.

† By §. 125 and 126 of the same Act, no Deputy-Commissary shall exact, &c. or receive any Fee, or Gratuity for giving his Advice in any Matter relative to his Office, or for procuring a Commission from the Commissary-General to pass any Account before him; or any other Fee for drawing and stating Accounts, than 1¼ ℔ Tobacco for each Voucher produced and allowed in such Accounts, and no more.

XXXV. **And whereas** many Men have bequeathed and devised, or hereafter may bequeath or devise to their Wives, by their Last Wills, a considerable Part of their Personal Estates, intending, no doubt, but not expressing that such Bequest or Devise should be in full of such Wives Part, Portion or third Part of the said Testator's Estate; and yet such Wives, Widows and Relicts, have not only claimed such Bequest and Devise as Legacies, but have further claimed their Part of the remaining Estate of their deceased Husbands: **Be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That in such Case, where the Testator bequeaths or devises a considerable Part of his Personal Estate to his Wife, and it appears not in any Part of his Will or Codicil that he intended the said Devise as a Legacy to his Wife only, and that she might nevertheless have a third Part of his remaining Estate; That it shall be at the Election of such Wife, Widow or Relict, within Forty Days after the Probate of such Will, to make her Election before the Judge for Probate of Wills, or the respective Deputy-Commissaries in each respective County, whether she will be content with such Devise; or will have her Thirds, and release the Devise? And if she make Choice to have what is so bequeathed or devised to her, then, by that Choice she shall be for ever barred from claiming her Third Part aforesaid; and if she renounce what is so bequeathed and devised, she shall then have her Third Part aforesaid, and be barred of her Devise; but shall not claim or have both: * But, in Case such Widow shall neglect to make such Election within the Time aforesaid, she shall then be concluded by having a full Third Part of the clear Personal Estate of her deceased Husband, besides her Dower of his Real Estate, in full of all such Devises or Legacies. **Provided always,** That such Part of the Personal Estate or Estates be liable to pay the Debts of the deceased, as other Part of the Estate is, or ought to be.

In Case of a considerable Devise to the Widow, &c.

She shall make her Election whether she will accept of the Devise, or have her Thirds? within 40 Days after Probate of the Will; but shall not have both.

* Here the Law is altered by 1729, *ch.* 24, §. 10, which enacts, that if the Widow neglect making such Election within the Forty Days, she shall then be concluded by the Bequest, and shall not have or claim any more of the Personal Estate than shall be so bequeathed; and such Bequest shall be liable to pay the Testator's Debts, &c.

XXXVI. **And** if such Wife, Widow or Relict, have any Part of her Husband's Lands, or Real Estate of Inheritance devised to her by her Husband, and that it do not appear by any Part of the Will, that he intended her such a Part of his Real Estate aforesaid, and her Dower out of the Rest of his Real Estate besides; then it shall be lawful for such Wife, Widow or Relict, to make her Election as aforesaid, within the Time aforesaid, whether she will accept of such Devise, or of the Third Part of all her Husband's Real Estate of

Where any Part of the real Estate is devised to the Widow, &c. she shall make her Election, within 40 Days,

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whether she will accept the Devise or her Dower? Or shall be concluded by the Devise, and barred of her Dower.

of which she is endowable? And if she accept of her Devise, she shall be for ever debarred of her Dower out of the rest of the Testator's Real Estate aforesaid; and if she accepts of her Dower, then such Acceptance shall be adjudged a full Recompence of her Devise aforesaid. But in case she shall neglect to make such Election within the Time aforesaid, she shall then, by such Neglect, be concluded by what is devised to her, and shall be thereby barred of her Dower of such Deceased's Real Estate, unless it shall appear to be the Design of the Devisor, that such Widow shall have both Devise and Dower; any Law, Statute, Usage or Custom, to the contrary notwithstanding.

Marriage Settlement shall bar Dower, but not Devises.

XXXVII. **Provided always**, That if any married Woman shall have any Estate settled upon her, by Jointure or other Settlement, before Marriage, such Jointure or Settlement shall bar her of her Dower of her Husband's Lands; yet it shall be lawful for her to accept what her Husband shall by his Last Will and Testament devise her.

To prevent Prejudice to Orphans Estates by second Marriages.

XXXVIII. **And whereas** many Orphans have greatly suffered by the second Marriages of such Widows, who having Estates in Possession by Will, or Right of Administration, either by such Widows while Sole, or their Husbands during the Coverture, the same have been wasted and embezzled; and if the Woman die, the said Husband refuses to render an Account of such Estate, alledging that he is neither Executor nor Administrator to his Wife, nor of her former Husband; whereas, at Common Law, a Woman Couvert Executrix can do no Act to prejudice her Husband, all such Acts, during the same, being void without his Consent; he, not preventing such Waste, when in his Power, ought to answer for the same; **Be it therefore Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That for every such Waste by such second Husband, during the Coverture, such Husband shall account for the same, and be liable to be sued, together with his Wife if living, or by himself if she be dead, (as well as the Security) for the said Estate due to such Orphan, by such Orphan if at Age, if under Age, by his Guardian; and also for all Waste committed by his Wife before Marriage, or by himself afterwards.

The second Husband shall be liable to Suit for the Orphans Estates, and for all Waste committed by the Wives or themselves.

For the better Security of Estates belonging to Orphans of Testators;

XXXIX. **And whereas**, Orphans of Persons dying Intestate, by the good Provision of this Law, in committing them to the Care of the County Court, to inspect the good Condition of their Securities and good Usage as aforesaid, are by Experience found to be in better Condition, in Respect of both, than the Orphans of Testators, whose Executors hitherto have rarely given any Security, and that the Security they have given, many Times proves insolvent; **Be it therefore Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the Judge for Probate of Wills, shall hereafter take good and sufficient Security of all Executors and Administrators, to the Use of any Orphan or Orphans in any Will mentioned, and not solely to their own Use, for the true Performance of such Last Will and Testament according to Law, and the Intent of the Testator; and shall transmit an Account of the Legacies, left to any Infant Orphans, to the County Courts, to be by them secured in the same Manner as the Balances of Intestates Estates, so far as shall be consonant to the Will of the Testator. And the Justices of the several County Courts shall, at the same Time that they inquire by a Jury of the good Usage and Condition of the Securities of other Orphans, also enquire of these: And if they find the Security like to be insolvent, or the Orphans ill used, that then it shall and may be lawful for such Justices, to act therein as they are by this Law directed, in the Case of Intestates Estates: **Always Provided**, That nothing shall be done, by virtue of this Act, which shall seem repugnant or contradictory to the Last Will or Testament of any Person deceased.

The Commissary shall take Security of the Executors, &c. and transmit an Account of Legacies to the County Court, to be there secured, &c.

But nothing shall be done herein repugnant to the Testator's Will.

The Prerogative Court invested with

XL. **And** for the more speedy Administration of Justice to Orphans, Legatees and Others, in the Prerogative Court for Probate of Wills, and granting

ing Administrations within this Province, which hath hitherto been often delayed by tedious Methods used in Chancery, before the Judges Sentence in the said Court could take Effect, the Methods of *England* being at present not practicable here; **Be it therefore Enacted**, *by the Authority aforesaid*, That the Prerogative Court for Probate of Wills, within this Province, shall have such like Authority in the enforcing Obedience to the Process, Orders, Interlocutory Sentences, and Decrees thereof, as the High Court of Chancery now hath, or of Right ought to have; and that every Person or Persons that shall not, after Sentence given in the said Court against him or them, within fifteen Days after such Sentence, enter his Appeal with the said Judge from such Sentence, and within fifteen Days more, procure an Examination thereof by a Court of Delegates, nor in the mean Time comply with the Sentence of the said Judge, it being sent to them under the Hand and Seal of the said Judge, nor give in Security to perform the same, and Oath made of the Refusal thereof, it shall and may be lawful to and for the said Judge, to issue forth of the said Office, under his Hand and Seal, an Attachment against the Bodies, Goods or Chattels of the said Persons so refusing, and him or them to imprison, or his or their Goods, Chattels or Credits to attach, until he or they satisfy or comply with the said Sentence.

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the like Powers to enforce Obedience to its Process, &c. as the High Court of Chancery.

Attachments may issue out against Body, Goods, &c. of the Persons neglecting or refusing to prosecute Appeals, or comply with its Sentence.

XLI. **And whereas** Orphans and Creditors are many Times injured by the low Appraisements, and undervaluing of the Estates of the Deceased, therefore, **Be it Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That when any Executor or Administrator doth appraise the Estate of the Deceased, he shall give Notice of such his Appraisement, and call together two of the next of Kin of the said Deceased, and two of the Creditors of the said Deceased, if any there be, who shall be present at the said Appraisement, with the sworn Appraisers; and shall certify to the Commissary, or his Deputy, under their Hands, that they were present at the Appraisement, and do approve thereof. And if any Executor or Administrator return an Inventory without such Certificate as aforesaid, or without making it appear that such Kindred or Creditors, having due Notice of the Time and Place of such Appraisement, refused or neglected to be present, the said Judge, or his Deputy in each respective County in this Province, shall not accept or receive the same into his or their Office or Offices.

Two of the next of Kin, and two Creditors of the Deceased, shall have Notice to be present at the Appraisements, &c.

XLII. **And be it further Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That from and after the Publication hereof, no Person or Persons, being Executors or Administrators of any Person deceased within this Province, shall be liable to pay or satisfy Debts contracted out of this Province, of what Nature or Quality soever, (* Debts due to his sacred Majesty, his Heirs and Successors, only excepted) before Debts due within this Province from the Estate or Estates of any Person or Persons deceased, shall be paid and satisfied, if such Executor or Administrator shall have Assetts in his, her, or their Hands, sufficient to pay and satisfy the same, such Executors and Administrators having respect to the Quality of the Debts due within this Province as aforesaid; unless the Creditor or Creditors of the Deceased, being Persons residing out of this Province as aforesaid, on any Action or Actions by him, her or them, brought against such Executors or Administrators as aforesaid, upon any Debt or Contract of a higher Nature than those contracted within this Province as aforesaid, be it by Statute Merchant, or of the Staple, Judgment, Bond, or otherwise, do, upon Trial, sufficiently make it appear, that such Executor or Administrator had due Knowledge and Cognizance thereof; upon due Proof thereof as aforesaid, if such Executors or Administrators shall have paid Debts of an inferior Nature, not recovered against them by due Course of Law, or suffer Judgment to go against them for any such Debt as aforesaid, without pleading such Foreign Debt in Stay of Judgment, such Executor or Administrator, not having Assetts in his, her, or their Hands, sufficient to pay the Debt as aforesaid, and satisfy the same,

County Debts to have the Preference in all Payments made by Executors, &c. (respect being had to the Quality of the Debts) except Debts due to the Crown, unless Cognizance be proved of Debts of a higher Quality due to Non-Residents.

In which case if Debts of an inferior Nature have been paid without any legal Recovery, or such foreign Debts not pleaded in Stay of Jugdment,

CHAP. XXXIX.

Execution ſhall be awarded againſt ſuch Executors *de bonis propriis*, in Defect of Aſſetts.

ſame, the Court, before whom ſuch Action ſhall be brought, ſhall give Judgment, and award Execution, againſt ſuch Executors or Adminiſtrators, *de bonis propriis*, to ſuch Creditor or Creditors as aforeſaid, as the Law in that Caſe directs; any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* By 1729, *ch.* 24, §. 15, no Preference ſhall be given in Payment of Debts by any Executor, *&c.* to Debts due to the Crown, or the Lord Proprietor, other than ſuch as are to the proper Uſe of his Majeſty, or his Lordſhip.

CHAP. XL.

Paſſed 3d *June* 1715.

An ACT directing the Manner of ſuing out Attachments in this Provi..., and limiting the Extent of them. *Lib.* LL. N° 4. *fol.* 229.

* See the Act of 1729, *ch.* 8.

Preamble.

WHEREAS it is highly expedient to ſettle the Manner of Proceedings on Attachments, and limiting the Extent of them, and to provide what ſhall be levied on ſuch Attachments and Executions.

Two ſucceſſive Writs ſhall be returned *Non eſt* before Attachment ſhall iſſue againſt the Effects of any Inhabitants.

II. Be it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That from henceforth, no Attachment ſhall iſſue out of any Court of this Province, before a Writ or Summons be firſt made out; upon which Writ, if the Party Defendant be an Inhabitant, or Reſident within this Province, and the Sheriff ſhall return a *Non eſt inventus*, one other Writ or Summons ſhall thereupon, in Manner aforeſaid, iſſue forth againſt the ſaid Defendant: And if the Sheriff ſhall, upon the ſecond Writ or Summons, return a *Non eſt inventus* likewiſe, an Attachment ſhall and may, in Manner and Form hereafter ſet down, be awarded.

One Writ returned *Non Eſt*, and a ſhort Note left with the Defendant's Attorney, or at his laſt Place of Reſidence, and Proof of the Debt, ſhall entitle the Plaintiff to an Attachment, if the Defendant be out of the Province.

III. And in caſe any Writ or Summons ſhall iſſue forth of any his Majeſty's Courts within this Province, againſt any Perſon or Perſons abſent out of this Province, in ſuch Caſe, upon the Return of a *Non eſt inventus* by the Sheriff on ſuch Writ or Summons, and the Party Plaintiff his leaving with the Attorney of ſuch abſent Defendant (if he hath left any Attorney) a Copy of his Declaration, or ſhort Note, expreſſing the Cauſe of Action; or if he hath left no Attorney, then the Plaintiff leaving a Copy of the ſaid Declaration, or ſhort Note, expreſſing the true Cauſe of Action, at the Houſe where the ſaid Defendant abſent, did laſt reſide or dwell; and making ſuch * Proof of his Action, as the ſaid reſpective Courts ſhall think fit, it ſhall and may be lawful for the Juſtices of the ſaid Courts, to award an Attachment againſt the Goods, Chattels, and Credits of the ſaid abſent Defendant, ſo as aforeſaid proſecuted, and not appearing to the ſaid Action, which are or ſhall be in the Hands and Poſſeſſions of any Perſon or Perſons whatſoever; yea, even in the Plaintiff's own Hands, for the Defendant's Uſe, in this Province: In which ſaid Attachment there ſhall be a Clauſe, commanding the Sheriff of the reſpective Counties, at the Time of the executing the ſaid Attachments, to make known to each Perſon or Perſons in whoſe Hands or Poſſeſſions the ſaid Goods, Chattels, and Credits ſo attached are, if to him or them it ſhall ſeem meet, to be and appear, on the Return of ſuch Attachments, before the Juſtices of the reſpective Courts, out of which ſuch Attachments are iſſued, to ſhew Cauſe why ſuch Goods, Chattels, or Credits, ſo attached as aforeſaid, ſhould not be condemned, and Execution thereof had and made, as in other Caſes of Recoveries and Judgments given in Courts of Record: At which Day of Return of the ſaid Attachment, if the ſaid Defendant ſhall not then appear, nor the Garniſhee, in whoſe Hands the aforeſaid Goods, Chattels, and Credits of the Defendant were attached, to ſhew Cauſe to the contrary; the reſpective Courts ſhall and may condemn the ſaid Goods, Chattels, and Credits,

In default of Appearance of the Defendant or Garniſhee, the Effects to be condemned, *&c.*

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dits ſo as aforeſaid attached, and award Execution thereof to be had and made by *Capias ad ſatisfaciendum*, *Fieri facias*, or otherwiſe, as in other Judgments; He, the ſaid Plaintiff, ſo proſecuting as aforeſaid, giving good and ſufficient Security before the Juſtices of each reſpective Court, to and for the Uſe of the ſaid Defendant, ſo as aforeſaid being not found within this Province, to make Reſtitution of the ſaid Goods, Chattels or Credits, ſo as aforeſaid condemned, or the Value thereof, if the Defendant ſo as aforeſaid proſecuted, ſhall at any Time within one Year and a Day, to be accounted from the ſaid Attachment awarded, come in, and either in Perſon, or by Attorney, appear to the ſaid original Action, and make it appear that the ſaid Plaintiff hath been and is ſatisfied and paid the Debt or Demand in the ſaid Action, or ſhall otherwiſe in Court diſcount or bar the ſaid Plaintiff of the ſame, or any Part thereof. Which ſaid Condemnation and Execution of the ſaid Goods, Chattels or Credits, of the ſaid Defendant, in the Hands of Garniſhee or Garniſhees as aforeſaid had and made, ſhall be ſufficient and pleadable in Bar, by the ſaid Garniſhee or Garniſhees, in any Action brought againſt him or them by the ſaid Defendant, for the ſame.

The Plaintiff giving Security for Reſtitution, if Cauſe be ſhewn within a Year and a Day.

Such Condemnation pleadable in Bar by Garniſhee.

* By 1729, *ch.* 8, §. 4, all Bills, Bonds, proteſted Bills of Exchange, and Writings obligatory whatſoever; and all Debts upon Account, or Book-Debt, ſhall be proved on Oath before Attachment ſhall iſſue.

IV. **Provided always**, That no Sheriff ſhall levy, by Way of Execution as aforeſaid, againſt the ſaid Garniſhee or Garniſhees, any more than the Plaintiff's Debt and Coſt; nor againſt any Garniſhee or Garniſhees, than what the ſaid Plaintiff in the ſaid Action ſhall make appear to the ſaid reſpective Courts to be of the ſaid Goods, Chattels and Credits of the ſaid Defendant in each reſpective Garniſhee or Garniſhees Hands, together with ſuch Coſts only as the Garniſhee or Garniſhees ſhall put the Plaintiff to, by denying him or themſelves to be indebted to ſuch Defendant, and conteſting the ſame.

How far the Sheriff may attach in Garniſhee's Hands.

What Coſts Garniſhee ſhall be liable to.

V. **Provided alſo**, That no Sheriff, in any County within this Province ſhall, by any Attachment, or any other Execution had upon ſuch Attachment, or any other Execution whatſoever, levy, ſeize or take the Goods and Chattels of any the Inhabitants of this Province, ſo far as to deprive them of all Livelihood for the future; but that Corn for neceſſary Maintainance, Bedding, Gun, Axe, Pot, and Labourers neceſſary Tools, and ſuch like Houſhold Implements and Ammunition for Subſiſtance, ſhall be protected from all Attachments and Executions whatſoever.

Neceſſary Tools and Implements for Subſiſtence, *&c.* exempted from Attachments and Executions.

VI. **Provided alſo**, That ſuch as ſhall be found by poſitive Proof or other Circumſtances, wilfully to abſent themſelves, or * abſcond in the Woods or elſewhere from the Sheriff's Sight, whereby they cannot be found to be brought to Trial; and ſuch alſo as ſhall be abſent by Flight or Proſcription out of this Province, to be averred upon Oath, ſhall have no Benefit of any favourable Interpretation of this Law:

Perſons abſconding, *&c.* ſhall not be entitled to any favourable Conſtruction of this Law.

* For the Manner of ſuing out Attachments againſt the Effects of Perſons running away or abſconding; See 1729, *ch.* 8, §. 2.

VII. **And be it Enacted**, *by the Authority aforeſaid*, That from henceforth, any Perſon or Perſons having obtained a Judgment in any Court of this Province, or that ſhall hereafter obtain any Judgment in any Court of this Province againſt any Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Plaintiff in the ſaid Judgment, at his Will and Pleaſure, inſtead of any other Execution, without thoſe previous Requiſites, as above in this Act preſcribed and directed, to take out an Attachment againſt the Goods, Chattels, and Credits of the ſaid Defendant in the ſaid Judgment, in the ſaid Plaintiff's own Hands, or in the Hands of any other Perſon or Perſons whatſoever: Which ſaid Attachment ſhall likewiſe have the Clauſe aforeſaid, commanding the Sheriff of the ſaid County, to whom it ſhall be directed, at the Time of executing the ſaid Attachment, "To make known to ſuch Perſon or Perſons

The Plaintiff, in any Judgment obtained, may inſtead of other Execution, take out Attachment againſt the Effects of the Defendant, with Clauſe of *Scire faciat.*

CHAP. XL.

" in whoſe Hands or Poſſeſſion, the ſaid Goods, Chattels and Credits of the " abſent Defendant ſhall be attached, that he or they be and appear at the " reſpective Courts, at the Day of the Return of the ſaid Attachment, to " ſhew Cauſe (if they have any) why the ſaid Goods, Chattels and Credits, " ſo as aboveſaid in their Hands attached, ſhould not be Condemned, and Exe- " cution thereof had and made, as in other Caſes of Recoveries, and Judg- " ments given in Courts of Record;" At which Day of the Return of the ſaid Attachment, if the ſaid Defendant ſhall not then appear, nor the ſaid Garniſhee in whoſe Hands the ſaid Goods, Chattels and Credits of the ſaid Defendant were attached, to ſhew ſufficient Cauſe to the contrary, the ſaid reſpective Courts ſhall and may condemn the ſaid Goods, Chattels and Credits aforeſaid, ſo as aforeſaid attached; and award Execution thereof to be had and made, either by *Capias ad ſatisfaciendum*, *Fieri facias*, or otherwiſe, as the ſaid Plaintiff might have had againſt the Defendant himſelf on the Judgment aforeſaid; which ſaid Condemnation and Execution of ſuch Goods, Chattels and Credits of the ſaid Garniſhee as aforeſaid, had and made, ſhall be ſufficient and pleadable in Bar by the ſaid Garniſhee or Garniſhees, in any Action againſt him or them by the ſaid Defendant for the ſame.

And in Default of Appearance the Effects to be condemned,

and ſuch Condemnation pleadable by Garniſhee in Bar.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLI.

Paſſed 3d *June* 1715.

An ACT for the better Adminiſtration of Juſtice in the High Court of Chancery, Provincial, and County Courts of this Province; for the more ſpeedy Recovery of Debts, eaſy obtaining of Executions againſt Perſons abſenting from the Counties where the Judgments were recovered againſt them; for preventing Commiſſioners, Sheriffs, Sub-Sheriffs, Clerks, and Deputy-Clerks to plead as Attorneys in the reſpective Courts to which they belong; and for Amercements in the Provincial and County Courts. *Lib.* LL. N° 4. *fol.* 232.

The *Engliſh* Statutes to be purchaſed for the Uſe of the ſeveral Courts.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That the Juſtices of the Provincial and County Courts within this Province, do, with all convenient Speed, after the Publication of this Act, at the Coſt and Charges of the Public, and their reſpective Counties, purchaſe and procure, or cauſe to be purchaſed and procured, the Statute Books of *England* to this Time, and *Dalton*'s Juſtice of the Peace, or ſuch other uſeful Book of like Sort, as ſuch Juſtices ſhall think proper, where they are not already procured, for the Uſe of their reſpective Courts.

Juſtices impowered to make Rules of Court under Fines not exceeding in the Provincial Court 1000 lb Tobacco, in the County Court 500 lb Tobacco.

II. And be it further Enacted, *by the Authority aforeſaid*, That the Juſtices of the Provincial, and of each reſpective County Court within this Province, by Force and Virtue of this Act, may make ſuch Rules and Orders from Time to Time, for the well-governing and regulating their ſaid Courts, and the Officers and Suitors thereof, as to them in their Diſcretion ſhall ſeem meet, and under ſuch Fines and Forfeitures as they ſhall think fit, not exceeding One Thouſand Pounds of Tobacco in the Provincial Court, and Five Hundred Pounds of Tobacco in the County Court, for any one Offence; all which Fines ſhall be to his Majeſty, his Heirs and Succeſſors, for the Support of Government.

Juriſdiction of the County Court, limited in caſe of ſpeedy Recovery.

III. And be it further Enacted, *by the Authority aforeſaid*, That any * Debt or Debts of Money or Tobacco due to any Perſon, being above the Sum of Four Hundred, and not above the Sum of Ten Thouſand Pounds of Tobacco, and being above the Sum of Thirty-three Shillings and Four-pence, and not above

above the Sum of Fifty Pounds Sterling in Money, whereof the Plaintiff is desirous of a speedy Recovery against the Defendant his Debtor, in the County Court, he shall proceed against such Defendant in Manner and Form following, *That is to say*, At the same Time that the Plaintiff sues out his Writ against the Defendant, he shall file with the County Clerk his Declaration thereon, and the Clerk shall make a Copy of the said Declaration, and deliver the same to the Sheriff with the Writ; and if the Sheriff can serve the said Writ upon the Defendant, and deliver to the Defendant the Copy of the Plaintiff's Declaration, Eight Days before the Return of the said Writ, then the Defendant shall be obliged by virtue of this Act, to go to Trial with the Plaintiff the same Court in which the Writ is returned, and shall not have any Imparlance. And the Justices of the several and respective County Courts are impowered, by this Act, to give Judgment against the Defendant, in case of his Refusal to plead or answer, as they might do in case of a legal Trial had before them: Except in some very extraordinary Cases or Accidents, at the Discretion of the said Justices.

CHAP. XLI.

How to bring on speedy Trial in the County Court.

Exception.

* By 1763, *ch.* 20, §. 6, no County Court shall hold Plea of any Debt or Damage, which shall not exceed 600 lb Tobacco, or 50 Shillings Current Money.

IV. **And be it further Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That in all Actions which shall at any Time after the End of this Session of Assembly, be sued or prosecuted in the County Courts of this Province, wherein upon Trial it doth appear to the Court, that the just Balance doth not exceed Four Hundred Pounds of Tobacco, or Thirty-three Shillings and Four-pence in Money, the Plaintiff shall be Non-suited.

What Balance in the County Court shall Non-suit the Plaintiff. *See the Note on* §. 3.

V. **And be it further Enacted**, *by the Authority aforesaid*, That in all Actions which shall, at any Time after the End of this present Session of Assembly, be sued or prosecuted in the Provincial Court of this Province, and upon Trial it doth appear to the Court that the just Balance of the Debt, or Thing in demand, is under Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings in Money, the Plaintiff shall be Non-suited.

In the Provincial Court what Balance shall Non-suit the Plaintiff.

VI. **Provided nevertheless**, That nothing in this Act contained, shall be construed to give the said Provincial Court any other Jurisdiction, than what is agreeable to the Act of Assembly, *for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law:* Any Thing herein contained to the contrary notwithstanding.

Provincial Court to have no other Jurisdiction, than by 1714, *ch.* 4.

VII. **And be it Enacted**, *by the Authority aforesaid*, That his Majesty's High Court of Chancery within this Province, shall not hear, try, determine or give Relief in any Cause, Matter or Thing, wherein the original Debt or Damages doth not amount to Twelve Hundred and One Pounds of Tobacco, or Five Pounds and One Penny in Money.

For what original Debts, Suits may be brought in Chancery.

VIII. **And be it Enacted**, *by the Authority aforesaid*, That when any Person or Persons, against whom any Judgment or Non-suit shall be given in any County Court of this Province, shall fly, remove, or absent him or themselves out of the County, and Jurisdiction of that Court where such Judgment or Judgments shall be given; that then, and in every such Case, the Plaintiff or Plaintiffs in every such Judgment or Judgments, for the more easy obtaining the Fruit and Effect of such Judgment, whether the same be for Costs of Non-suit or otherwise, shall or may take the Transcript of the Record of such Judgment, under the Seal of the Court where such Judgment shall be obtained, and lay the same before the Justices of the County Court where the said Defendant or Defendants shall happen to be: Which Transcript shall be entered upon the Record of such County Court; and the Justices of such County Court shall, by virtue of this Act, award Execution against the Person or Persons against whom such Judgment shall be rendered, by *Capias ad satis-*

Record of Judgment, *&c.* may be transmitted under Seal from one County Court to another; and Execution issued thereon, without *Scire facias*, against Persons flying, *&c.* out of the County.

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ſatisfaciendum, *Fieri facias*, or Attachment, for the Debt, Damages and Coſts in ſuch Judgment or Recovery mentioned, together with ſuch additional Coſts as ſhall be expended in ſuch Court where ſuch Execution ſhall be awarded, without ſuing out any Writ of *Scire facias*.

No Magiſtrate, Sheriff, or Clerk, &c. ſhall plead as an Attorney in the Court wherein he bears Office, on Penalty of 3000 lb Tobacco.

IX. **And be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That no Perſon being in the Commiſſion of the Peace, no Sheriff or Deputy-Sheriff, Clerk or Deputy-Clerk of thoſe Courts, wherein they bear Office, ſhall plead as Attorneys for or in Behalf of any Perſon or Perſons, on Penalty of forfeiting Three Thouſand Pounds of Tobacco for every ſuch Offence, whereof ſuch Offenders ſhall be found Guilty; one Half thereof to his Majeſty, his Heirs and Succeſſors for the Support of the Government of this Province, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

N. B. *This Clauſe is* Repealed *by* 1722, ch. 12, §. 3, *by which All Amercements are at preſent regulated.*

X. **And** for the Diſcouragement of litigious Suits that frequently ariſe in the Provincial and County Courts within this Province; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all Perſons whatſoever, except Executors and Adminiſtrators, that are caſt in any Cauſe, be they Plaintiff or Defendant, ſhall be amerced, beſides the Damages and Coſts, in the Provincial Court, Fifty Pounds of Tobacco, to be employed as the Governor and Council ſhall think fit; and in the County Court, Thirty Pounds of Tobacco, to be employed and diſpoſed of towards defraying the County Charge of each reſpective County.

Clerks of Courts, to keep Accounts of Amercements, and ſend the ſame to the Sheriffs, to collect them with the levy.

XI. **And** for the due Collection thereof, **Be it Enacted**, *by the Authority aforeſaid*, That the Clerk of the Provincial Court, and the Clerks of the ſeveral County Courts, keep an exact Account of the Amercements, and deliver or ſend the ſame to the ſeveral Sheriffs of the particular Counties, who are hereby required to collect the ſame, with the Levy, and are accordingly impowered, for Default of Payment, to make Diſtreſs; and commanded not to return any in Arrears, except in caſe of the Debtor's Inſufficiency.

County Clerks to give the Chief Juſtice an Account of Amercements. The Provincial Clerk to lay a Liſt, &c.

XII. **And be it further Enacted**, That the Clerks of the ſeveral County Courts give unto the Chief Juſtice of ſuch County Court, a Liſt of the Amercements, every *November* Court, that ſhall have ariſen each preceding Year; and that the Clerk of the Provincial Court lay a Liſt of the Provincial Amercements, as they ſhall Yearly ariſe, before the Governor and Council of this Province, for the Time being.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLII.

Paſſed 3d *June* 1715.

An Act directing the Manner of electing and ſummoning Delegates and Repreſentatives to ſerve in ſucceeding Aſſemblies; and for aſcertaining the Expences of the Councillors, Delegates of Aſſembly, and Commiſſioners of the Provincial and County Courts of this Province. Lib. LL. N° 4. *fol.* 235. *OBS.*

N. B. This Act (being the ſame, *mutatis mutandis*, with that of 1716, under his Lordſhip's Dominion) is become Obſolete.

CHAP. XLIII.

Ditto. An ACT for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. *Lib.* LL. N° 4. *fol.* 240.

Supplementary and other Acts are, 1722, *ch.* 15; 1733, *ch.* 7; and 1748, *ch.* 1.

Militia Officers impowered to inliſt

Be it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That from and after the End of this

this preſent Seſſion of Aſſembly, the Militia of this Province ſhall be muſtered, trained and exerciſed, according to theſe Directions and Inſtructions following, *viz.* That every Colonel, Lieutenant-Colonel, Major or Captain of Horſe or Foot, already commiſſionated, or hereafter to be commiſſionated by his Excellency the Governor of this Province, for the Time being, ſhall have Power to inliſt ſuch and ſo many inhabiting within this Province, not hereafter excepted, in their ſeveral and reſpective Diviſions, between Sixteen and Sixty Years of Age, as they ſhall think fit, by as equal Proportions of the ſaid Inhabitants as poſſibly they can, to be of the Militia or Train-Bands of this Province: Which ſaid Perſons, ſo inliſted, they ſhall muſter, exerciſe, and train, in and at ſuch Places, and at ſuch certain Times, as to them ſhall ſeem meet; and as the Service, Safety or Defence of this Province ſhall require, or as his Excellency the Governor of this Province, or Commander in Chief, for the Time being, ſhall ſee Cauſe to order. And that every ſuch Colonel, Lieutenant-Colonel, Major or Captain, ſhall give Notice or Summons, upon every Training or Muſtering, to every Perſon ſo inliſted as aforeſaid within his reſpective Diviſion or Limit, at the Head of his Company, or at the Houſe of the Party, by an Officer of his Company, or Warrant under his Hand, to * appear at ſuch Time and Place as he ſhall appoint for ſuch Training or Muſtering. And that if any Man, after ſuch Notice given, and Summons as aforeſaid, ſhall neglect to appear at the Place and Time appointed as aforeſaid, or that refuſe, when he hath ſo appeared, to be inliſted into the Militia and Train-Bands aforeſaid, or that being ſo inliſted, ſhall not, from Time to Time as he ſhall be ſummoned or warned as aforeſaid, appear and bring with him one good ſerviceable Gun, fixed, with Six Charges of Powder, ſhall, for every ſuch Offence (if a Freeman) forfeit and pay the Sum of One Hundred Pounds of Tobacco; and if a † Servant letted or hindered by his Maſter, Miſtreſs, or Overſeer, then ſuch Maſter, Miſtreſs, or Overſeer, to pay the like Sum of One Hundred Pounds of Tobacco for every Servant ſo letted or hindered as aforeſaid; for the Uſe of the Troop or Foot Company to which he belongs, to purchaſe Drums, Colours, and other Neceſſaries for the ſaid Troop or Company, as the Field-Officers of the Militia in that County, or any Two of them, ſhall direct.

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Perſons between 16 and 60 Years of Age, in their ſeveral Diviſions, to be of the Militia,

which they ſhall muſter and train at ſuch Places and Times as to them ſhall ſeem meet, or as the Governor ſhall order.

Notice to be given of ſuch Muſter, and how.

Penalty on Perſons not appearing accordingly, &c.

to be applied to the Uſe of the Troop or Company.

* By 1748, *ch.* 1, Perſons appearing at Muſters, are exempted from all Civil Arreſts, as well going to as coming from the Place of Muſter, during Twenty-four Hours every ſuch Time of Muſter.

† By 1733, *ch.* 7, §. 11, no Servants ſhall be inliſted in the Militia, unleſs upon ſuch Emergency as ſhall be adjudged proper by the Field-Officers of the County.

II. **Provided**, That this Clauſe be not conſtrued to countenance any Officer to ‖ preſs Arms or Ammunition for any further Expedition or Service than Training; but that upon all ſuch Occaſions they ſhall be ſupplied out of the County Magazine or Store. All which Forfeitures ſhall be heard, adjudged and determined by the Colonel, Lieutenant-Colonel, Major, or any Two of them; and an Account thereof kept in Writing by the Clerk of ſuch Troop or Company: Which ſaid Colonel, Lieutenant-Colonel, or Major of ſuch County, or any Two of them as aforeſaid, is hereby authorized and impowered to award Execution againſt the Body, Goods and Chattels of ſuch Perſons ſo neglecting, refuſing or failing as aforeſaid: And that upon Occaſion of all ſuch Executions, the reſpective Clerks and Sheriffs of each reſpective County with this Province, ſhall iſſue out, and ſerve Execution without Fee or Reward.

Arms or Ammunition not to be preſſed, except for Training.

Forfeitures how to be adjudged, &c. and levied by Execution.

‖ Unleſs by Order of the Governor to a Preſs-Maſter. See below, §. 12.

For the Manner of proceeding by ſuch Field-Officers in adjudging, &c. ſuch Fines; See the Act of 1722, *ch.* 15.

III. **And** for ſettling the Horſe Forces, That a Captain of Horſe, in each reſpective County, for making up of his Troop, ſhall inliſt his Number of Men out of the Inhabitants of ſaid the County, according to ſuch Inſtructions as he ſhall, from Time to Time, receive from the Governor of this Province, or the Colonel of the County, for the Time being.

Captains of Horſe ſhall inliſt their Troops according to Inſtructions, &c.

IV. **Pro-**

CHAP. XLIII.

Troopers to ride their own Horſes, and find themſelves Furniture, Arms, &c.

Penalty on Troopers not appearing at Muſters.

When out a Ranging, ſhall find their own Proviſions.

A Trooper's Horſe killed in the Service, ſhall be paid for by the Public.

IV. **Provided always,** That ſuch Troopers ſhall ride their own Horſes; and that no Perſon ſhall be a Trooper without he be the Owner of a good ſerviceable Horſe, which ſhall paſs Muſter; and that ſuch Troopers, in conſideration of their great Pay, hereafter to be allowed, be bound and obliged to find themſelves with good, able and ſufficient Furniture for their Horſes; and likewiſe to find themſelves with Swords, Carbines, Piſtols, Holſters and Ammunition; and if any Trooper ſhall neglect or refuſe, upon Notice given them, as aforeſaid to the Foot Soldiers, appear or muſter at the Time and Place appointed as aforeſaid by each reſpective Captain of Horſe, accoutred as aforeſaid, required as aforeſaid, ſhall forfeit and pay One Hundred Pounds of Tobacco; to be levied as aforeſaid, to the Uſe of the Troop, for purchaſing of Trumpets and Colours and other Neceſſaries, as the Commander ſhall think fit. And that all ſuch Troopers, for and in Conſideration aforeſaid, at all ſuch Times as they ſhall be out a Ranging, ſhall find their own Proviſions; but, when in actual Service, to be found Proviſions at the Charge of this Province, to be paid by the Public. And if it ſhall happen that any Trooper's Horſe ſhall be killed in the Service, then the ſaid Trooper to be paid for the ſaid Horſe by the Public, and not otherwiſe.

Perſons exempted from ſerving in the Militia.

V. **That** all Perſons in Holy Orders, Delegates, Magiſtrates and Conſtables, ſhall, in their proper Perſons, be * exempted from being compelled to Muſter and Train, either in Horſe or Foot, during ſuch Time as they officiate, or bear ſuch Offices as aforeſaid.

* And Members of the Council are alſo exempted 1733, *ch.* 7, §. 15. And by 1732, *ch.* 17, §. 2, no White Man employed in any Manner about Iron-Works, ſhall be obliged to attend Muſters, except upon very extraordinary Occaſions.

Such excepted, as have accepted Military Commiſſions.

VI. **Provided,** That this Clauſe ſhall not extend to ſuch Perſons as already have, or ſhall hereafter accept of Commiſſions for Military Service, from the Governor of this Province, for the Time being, ſo as to diſcharge ſuch Perſons from their reſpective Charges mentioned in ſuch their ſeveral and reſpective Commiſſions.

No Negroes or Slaves to be trained.

VII. **And be it Enacted,** *by the Authority aforeſaid,* That all Negroes, and Slaves whatſoever, ſhall be exempted the Duty of Training or other Military Service.

Pay of the Militia, when in actual Service, and no longer, *viz.* To the Foot per Kalendar Month.

VIII. **That** the Pay for the Officers and Soldiers of the Foot and Horſe aforeſaid, be not other than is hereafter mentioned, and for no longer Time than ſuch Officers and Soldiers ſhall be in actual Service, *viz.*

To every Colonel of Foot, Two Thouſand Pounds of Tobacco per Month.
To every Lieutenant-Colonel of Foot, Fifteen Hundred Pounds of Tobacco per Month.
To a Major of Foot, Twelve Hundred Pounds of Tobacco per Month.
To a Captain of Foot, One Thouſand Pounds of Tobacco per Month.
To a Lieutenant of Foot, Seven Hundred Pounds of Tobacco per Month.
To an Enſign, Six Hundred Pounds of Tobacco per Month.
To a Serjeant, Four Hundred Pounds of Tobacco per Month.
To a Corporal, Four Hundred Pounds of Tobacco per Month.
To a Drummer, Four Hundred Pounds of Tobacco per Month.
To every private Soldier, Three Hundred Pounds of Tobacco per Month.
To every Major-General, Chief Commander in the Field, Three Thouſand Pounds of Tobacco per Month.

To the Horſe per Kalendar Month.

IX. **And** that every Colonel of Horſe have Two Thouſand Three Hundred Pounds of Tobacco per Month.
To every Lieutenant-Colonel of Horſe, Eighteen Hundred Pounds of Tobacco per Month.
A Major of Horſe, have Fifteen Hundred Pounds of Tobacco per Month.

A Cap-

A Captain of Horſe, to be allowed Thirteen Hundred Pounds of Tobacco per Month.
A Lieutenant of Horſe, to be allowed One Thouſand Pounds of Tobacco per Month.
To a Cornet, Nine Hundred Pounds of Tobacco per Month.
To a Quarter-Maſter, Seven Hundred Pounds of Tobacco per Month.
To a Corporal, Seven Hundred Pounds of Tobacco per Month.
To a Trumpeter, Seven Hundred Pounds of Tobacco per Month.
To every Private Trooper, Six Hundred Pounds of Tobacco per Month.
And that all theſe Rates and Allowances, for ſuch Officers and Soldiers aforeſaid, ſhall be allowed and paid, and no more; and the Months aforementioned to be accounted, computed and reckoned according to Kalendar, and not otherwiſe.

X. **And** to the Intent that whenſoever it ſhall appear to the Governor or Commander in Chief of this Province, for the Time being, and his Council, to be neceſſary to raiſe Forces for the Suppreſſing of any Foreign Invaſion, or Domeſtic Inſurrection or Rebellion, or any War with any *Indians*, that the aforeſaid Officers and Soldiers may be duly paid according to the Proportions aforeſaid, and all other Charges and Expences, for the Charge and Management of ſuch War, may be duly paid and diſcharged, without which this Province cannot be defended and ſecured: **Be it Enacted**, *by the Authority aforeſaid*, That, from henceforth, all ſuch neceſſary Charges of ſuch War, and Soldiers Pay as aforeſaid, ſhall be paid, diſcharged and defrayed, by a Public Levy, by an equal Aſſeſſment upon the Taxables of this Province, by the Conſent of the Free-men of this Province, by their Repreſentatives in a General Aſſembly, or out of the Public Treaſure of this Province, and no otherwiſe whatſoever.

In what Manner the Charges of War, and Soldiers Pay (in Caſe of Invaſion, Rebellion, Inſurrection, or any *Indian* War) ſhall be diſcharged.

XI. **And** to the Intent that the Inhabitants of this Province may not be abuſed, by having their Goods and Proviſions preſſed by looſe or idle Perſons, who many Times abuſe their Commiſſions and the People; **Be it farther Enacted**, *by the Authority aforeſaid*, That from henceforth, the Commiſſioners of each reſpective County, ſhall yearly, and every Year, *viz.* between the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, nominate and appoint two honeſt and ſubſtantial Men of their County, to be Preſs-Maſters for the Year enſuing; and if any one die, or depart the County, or be lame or ſick within that Time, that then the next Juſtice of Peace to nominate and appoint another in his Stead; that, if Occaſion require, they, and no other, ſhall impreſs Victuals, and other Things given them in Charge to be preſſed, by Warrant from his Excellency the Governor or Commander in Chief, for the Time being. And if any others, but Preſs-Maſters ſo appointed, ſhall preſume, upon Pretence of any Power as a Preſs-Maſter, to ſeize, take, preſs or carry away any Goods or Commodities of any the Inhabitants of this Province; he, or they, ſhall pay to the Perſon grieved, treble the Value of the Goods or Commodities, ſo as aforeſaid unjuſtly preſſed.

County Courts to appoint two Preſs-Maſters in each County Yearly, who may impreſs Victuals, &c. by Warrant from the Governor. Any others preſuming to Preſs Goods, &c. ſhall pay treble Value to the Party grieved.

XII. **Provided**, That no Preſs-Maſter, or any Perſon or Perſons whatſoever, ſhall preſume at any Time, to ſeize, preſs, or carry away from the Inhabitants, Reſidents in this Province, any Arms or Ammunition of any Kind whatſoever, upon any Duty or Service, or upon any Account whatſoever, unleſs by Order of his Excellency the Governor, or Commander in Chief of this Province for the Time being, under the Penalty aforeſaid: Any Law, Statute or Uſage to the contrary hereof in any wiſe notwithſtanding.

Preſs-Maſters ſhall not preſs Arms or Ammunition, unleſs by ſpecial Order, under the ſame Penalty.

XIII. **And be it likewiſe Enacted**, *by the Authority aforeſaid*, That the Commiſſioners of any County Court within this Province, who ſhall not, between the Twenty-ſeventh Day of *September*, and the Twenty-fifth Day of *December* in each reſpective Year, by Precept from the County Court, ſigned by

Penalty on County Courts neglecting to appoint

CHAP. XLIII.

by the Clerk of the Court, nominate and appoint ſuch and ſo many Preſs-Maſters, for every County as aforeſaid, ſhall each of them forfeit and pay unto his Majeſty, his Heirs and Succeſſors, for the Support of Government, the Sum of Five Hundred Pounds of Tobacco; and ſuch Preſs-Maſters, who ſhall be ſo nominated and appointed, as aforeſaid, by ſuch Precept as aforeſaid to him or them directed, and ſhall thereupon refuſe or neglect to ſerve and truly perform and execute the ſaid Place and Office of Preſs-Maſter, ſhall forfeit and pay unto his Majeſty, his Heirs and Succeſſors, for the Support of Government, for every Time he or they ſo nominated and appointed, ſhall refuſe to ſerve as aforeſaid, the Sum of Five Hundred Pounds of Tobacco.

Preſs-Maſters, yearly, &c.

Preſs-Maſters refuſing, &c. to ſerve, forfeit 500 lb Tobacco.

XIV. And for the better Encouragement of ſuch Soldiers as ſhall, in the Time of War, adventure in the Service of the Country, and in Defence thereof, againſt *Indians* and others; Be it Enacted, *by the Authority aforeſaid*, That the Booty, Prize, Pillage, or Plunder, or any *Indian* or other ſeized or taken Priſoner, ſhall be, by the Commander in Chief, beſtowed on ſuch Officer, Soldier or Soldiers, taking and ſeizing the ſame.

The Booty, &c. of any *Indians*, or other Enemy taken in War, ſhall belong to the Captor.

XV. And for the Encouragement of ſuch Soldiers as ſhall adventure their Lives in the Service and Defence of this Province, and for Proviſion of ſome reaſonable Penſion to be for the future ſettled on ſuch Soldiers as ſhall happen to be maimed or rendered incapable to get a Livelihood for themſelves or Family; Be it Enacted, *by the Authority aforeſaid*, That every Perſon that ſhall adventure as a Soldier, in any War or Defence of this Province, and ſhall therein happen to be maimed, or receive Hurt, ſo as to be rendered incapable of getting a Livelihood as aforeſaid, ſhall, according to his Diſability, receive a yearly Penſion, to be raiſed out of the Public Levy of this Province, during the Time of ſuch his Diſability. And every Perſon ſlain in the Service of this Province, leaving behind him a Wife and Children, there ſhall alſo be allowed a competent Penſion to the Wife, during her Widowhood, and the Children 'till they be of Years able to get their Living, or be put out Apprentices; and that this Penſion be yearly paid and allowed out of the Fifty Thouſand Pounds of Tobacco *per Annum* to be raiſed by the Governor of this Province, for the Time being, or the Council, as in this Act is hereafter provided in the Intervals of Aſſemblies: The Party, petitioning for ſuch Penſions and Allowances, procuring a Certificate from the County Court, where he, ſhe, or they live, that he, ſhe, or they, are Objects of Charity, and deſerve to have ſuch Penſion and Allowance.

Soldiers maimed in the Service, ſhall have yearly Penſions out of the Public Levy. If ſlain, the Widow to have a Penſion, and the Children to be taken Care of, &c. Such Penſions to be paid yearly out of the 50000 lb Tobacco, to be raiſed as hereafter is provided in §, 17 and 18. The Penſioners to have Certificate from the County Court.

XVI. And be it further Enacted, *by the Authority aforeſaid*, That if, upon any foreign Invaſion, any Perſon or Perſons whatſoever (except before excepted) that ſhall be preſſed, or be an inliſted Soldier within this Province, ſhall, upon the Command of his Officer, being a Captain at the leaſt, obſtinately refuſe to appear and ſerve in Arms for the neceſſary Defence of this Province, ſuch Perſon or Perſons ſo obſtinately refuſing to appear and ſerve in Arms as aforeſaid, ſhall, upon Certificate thereof, under ſuch Officer's Hand as aforeſaid, to the next Juſtice of the Peace of the County where ſuch Party liveth, be proceeded againſt in Manner following, *(That is to ſay,)* The ſame Juſtice of the Peace, to whom ſuch Certificate as aforeſaid ſhall be made, ſhall immediately iſſue out a Warrant to the Conſtable of the Hundred where ſuch Party liveth, to apprehend him, and bring him before himſelf, or ſome other Juſtice of the Peace of the ſame County, there to render a ſufficient Excuſe, if any he hath, for ſuch his Refuſal or Non-appearance as aforeſaid: And if the Juſtice of Peace ſhall not find the Excuſe of ſuch Party in ſuch Caſe to be reaſonable and ſufficient, then he ſhall immediately commit ſuch Perſon to the Cuſtody of the Sheriff of ſuch County, there to remain until he ſhall find Surety to appear at the next Provincial Court to be held for this Province, there to be proceeded againſt according to the due Courſe of Law; and if thereupon he ſhall be convict of ſuch obſtinate Refuſal or Diſobedience

Any Perſon refuſing to ſerve in Defence of the Province, on any Invaſion, ſhall be brought before ſome County Magiſtrate,

and if his Excuſe be found inſufficient, he ſhall be bound over to the Provincial Court, and on Conviction, be puniſhed by Fine and Impriſonment.

as

as aforesaid, he shall be fined and imprisoned according to the Directions of the Justices of the Provincial Court. CHAP. XLIII.

XVII. And for the preventing of the great Charges of annual Assemblies, who may meet for no other Occasion but to lay the Public Levy, in Time of Peace; Be it Enacted, *by the Authority aforesaid*, That the Governor and Council, during the Intervals of Assemblies, for the Defraying and Payment of the small Charges of this Province, be and are hereby impowered to assess the same, equally to be levied upon all the Inhabitants of this Province, for the Defraying the said small Charges in Time of Peace as aforesaid; any thing in this Act to the contrary notwithstanding. Governor and Council, impowered, in Time of Peace, to levy the small Charges of the Province during the Intervals of Assembly.

XVIII. Provided always, *and it is the true Intent and Meaning of this Act*, the said Sums for the small Charges of this Province, so to be assessed by the Governor and Council, upon the Inhabitants of this Province as aforesaid, exceed not, in any One Year, the Sum of Fifty Thousand Pounds of Tobacco; and the Disbursements of the same Tobacco to be accounted for at the next General Assembly after the raising and disbursing the said Tobacco as aforesaid. So as the same do not exceed 50000 lb Tobacco in any one Year, to be accounted for to the next Assembly.

XIX. And be it further Enacted, *by the Authority aforesaid*, That all Soldiers, hereafter to be employed in any Public Service within this Province, be paid in the respective Counties where the said Soldiers live. Soldiers to receive their Pay in the Counties, &c.

XX. And be it further Enacted, That every Captain, Lieutenant, Cornet or Ensign, refusing or neglecting to appear at the Time and Place appointed for Training and Mustering, shall be fined as aforesaid, for every Time he or they shall refuse or neglect to appear, the Sum of Two Hundred Pounds of Tobacco; to be applied to the Use of the Troop or Company where the Person so fined doth belong as aforesaid; to be heard, adjudged, determined, and levied by way of Execution as aforesaid: An Account of all which Fines, the several and respective Majors of the several and respective Counties are hereby obliged to render to the Governor and Council yearly, on Pain of forfeiting the Sum of Five Hundred Pounds of Tobacco; to be applied to the Uses aforesaid, and to be heard, adjudged, determined, and levied by the Colonel, or Lieutenant-Colonel, by way of Execution as aforesaid. Captains, &c. neglecting to appear at Musters, shall be fined 200 lb Tobacco. The Major of each County, shall render an Account of all such Fines yearly to the Governor, &c. on Penalty of 500 lb Tobacco.

XXI. This Act to endure for Three Years, and to the End of the next Session of Assembly after the End of the said Three Years. Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued for 3 Years, &c. by 1719, *ch.* 1. But by 1722, *ch.* 15, it is revived and continued in full Force without Limitation.

CHAP. XLIV.

An ACT relating to Servants and Slaves. *Lib.* LL. N° 4. *fol.* 246.

Passed 3d *June* 1715.

Supplementary Acts, 1717, *ch.* 13; 1719, *ch.* 2; 1728, *ch.* 4; and 1748, *ch.* 19.

WHEREAS there have been several Acts provided against Servants, Runaways, which have hereto proved ineffectual, in regard they do not sufficiently provide Encouragement for such Person or Persons, Inhabitants of this Province, as should seize such Runaways, or Servants, by this Act deemed Runaways: Therefore for the better Discovery, seizing and apprehending such Runaways; Be it Enacted, *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same*, That from and after the Publication hereof, no Servant or Servants whatsoever, within this Province, whether by Indenture, or according to the Custom of the Country, or hired for Wages, shall travel by Land or Water, Ten Miles from the Preamble. Servants travelling ten Miles from Home without a Note from their Master, may be taken up as Runaways.

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House of his, her, or their Master, Mistress or Dame, without a Note under their Hands, or under the Hand of his or their Overseer, if any be, under the Penalty of being taken for a Runaway, and to suffer such Penalties as are hereafter provided against Runaways.

Servants unlawfully absenting themselves, shall serve, not exceeding ten Days for one, at the Discretion of the County Court, besides Costs for taking up.

II. **And it is hereby further Enacted**, *by the Authority, Advice and Consent aforesaid*, That any Servant or Servants, unlawfully absenting him, her, or themselves, from his, her, or their said Master, Mistress, Dame, or Overseer, shall make such Satisfaction by Servitude or otherwise, at the Discretion of the Justices of the County Court where such Runaway Servant did dwell, not exceeding Ten Days Service for any One Days Absence; with such reasonable Cost for his, her, or their Taking-up, as the Court shall think fit, be it before or after the Expiration of such Servant's first Time of Servitude, by Indenture or otherwise.

Persons entertaining such Servants or Slaves, forfeit 500 lb Tobacco per Night, or 24 Hours. *(But see the Note below.)*

III. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That any Person or Persons whatsoever, that shall wittingly or willingly entertain any such Servant or Slave, unlawfully absenting him, her, or themselves, as aforesaid, shall be fined Five Hundred Pounds of Tobacco, for every * Night, or Twenty-four Hours, that such Person or Persons shall give such Entertainment as aforesaid; the one Half to his Majesty, his Heirs and Successors, for the Support of Government, and the other Half to the Informer, or him or them that shall sue for the same; to be recovered in any County Court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

* By 1748, *ch.* 19, Persons wittingly or willingly entertaining any Servants or Slaves, unlawfully absenting, *&c.* or permitting them to be about their Houses or Plantations, for One Hour or longer, shall forfeit 100 lb Tobacco for each Hour, *&c.* And Persons unable to pay the Penalty, are punishable by Whipping, and shall give Security for good Behaviour, *&c.* also Servants or Slaves so offending may be whipped.

Free Negroes or Mulattoes guilty of the same, forfeit 1000 lb Tobacco,

or make Satisfaction by Servitude.

IV. **And be it further Enacted**, That if any Free-Negro or Mulatto shall harbour or entertain any such Servant or Slave as aforesaid, in every such Case, he or they so offending, shall forfeit and pay as aforesaid, for every such Offence, the Sum of One Thousand Pounds of Tobacco; the one Half to our Sovereign Lord the King, his Heirs and Successors, for the Use of the Free-Schools, the other Half to the Party grieved; to be recovered as aforesaid. And if any such offending Negro or Mulatto, hath not an Estate sufficient, wherewith immediately to satisfy and pay such Penalty as aforesaid, it shall and may be lawful for the Justices before whom such Matter is tried, to order Satisfaction, by Servitude, or otherwise, as they shall seem meet.

Persons travelling without Passes (not being able to give a good Account of themselves) may be taken up as Runaways.

V. **And** for the better Discovery of Runaways, **It is hereby further Enacted**, *by the Authority, Advice and Consent aforesaid*, That any Person or Persons whatsoever, within this Province, travelling out of the County where he, she, or they, shall reside or live, without a Pass under the Seal of the said County, for which they are to pay Ten Pounds of Tobacco, or One Shilling in Money, such Person or Persons, if apprehended, not being sufficiently known, or able to give a good Account of themselves, shall be left to the Discretion and Judgment of such Magistrate or Magistrates, before whom such Person or Persons as aforesaid shall be brought, to judge thereof: And if, before such Magistrate, such Person or Persons so taken up, shall be deemed and taken as a Runaway or Runaways, he, she, or they, shall suffer such Fines and Penalties as are hereby provided against Runaways.

Persons taking them up, shall have 200 lb Tobacco.

VI. **And** for better Encouragement of all Persons to seize and take up such Runaways, **It is hereby further Enacted**, *by the Authority, Advice and Consent aforesaid*, That all and every such Person or Persons as aforesaid, seizing or taking up such Runaways, travelling without Passes as aforesaid, not being able to give a sufficient Account of themselves as aforesaid, shall have and receive

ceive Two Hundred Pounds of Tobacco, to be paid by the Owner of such Runaway Servant, Negro, or Slave, so apprehended and taken up; and if such suspected Runaway or Runaways be not Servants, and refuse to pay the same, he, she, or they, shall make Satisfaction by Servitude, or otherwise, as the Justices of the Provincial and County Courts, where such Person shall be so apprehended and taken up, shall think fit.

Indians apprehending any Runaway, to have a Matchcoat in Satisfaction.

VII. **And** for the better Discovery of, and Encouragement of our Neighbour *Indians* to seize, apprehend, or take up, any Runaway Servants or Slaves, and bring them before a Magistrate, they shall, for a Reward, have a Match Coat paid him or them, or the Value thereof, which said Reward shall be paid and satisfied by the County where such Person shall be so apprehended: And such Runaway, if not a Slave, to re-imburse the said County by Servitude, or otherwise, as the Justices of the Provincial or County Court shall think fit.

Persons so apprehended, how to be disposed of and secured till they make Satisfaction.

VIII. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That at what Time soever any of the said Persons, Runaways, shall be seized by any Person or Persons within this Province, such Person or Persons so apprehending or seizing the same, shall bring, or cause him, her, or them, to be brought before the next Magistrate, or Justice of the County where such Runaway is apprehended, who is hereby impowered to take into Custody, or otherwise him, her, or them to secure and dispose of, as he shall think fit, until such Person or Persons, so seized and apprehended, shall give good and sufficient Security to answer the Premises the next Court that shall first ensue in the said County: Which Court shall secure such Person or Persons till he or they can make Satisfaction to the Party that shall so apprehend or seize such Runaways, or other Persons, as by this Act is required, except such Person shall make Satisfaction as aforesaid before such Court shall happen. And that Notice may be conveniently given to the Master, Mistress, Dame, or Overseer of Runaways taken up as aforesaid, the Commissioners of the Counties shall forthwith cause a Note of the Runaway's Name, so seized and apprehended as aforesaid, to be set up at the next adjacent County Courts, and at the Provincial Court and Secretary's Office, that all Persons may view the same, and see where such their Servants are, and in whose Custody.

Freedom Dues.

To a Man Servant.

IX. **And furthermore**, for ascertaining what each Servant, according to the Custom of the Country, shall have at the Expiration of their Servitude; **Be it Enacted**, *by the Authority, Advice and Consent aforesaid*, That every Man-Servant, shall, at such Time of Expiration of his Servitude as aforesaid, have allowed and given him, One new Hat, a good Suit, *(That is to say,)* Coat and Breeches, either of Kersey or Broad Cloth, One new Shift of White Linen, One new Pair of *French*-Fall Shoes, and Stockings, Two Houghs, and One Axe, and One Gun of Twenty Shillings Price, not above Four Foot by the Barrel, nor less than Three and an Half; which said Gun shall, by the Master or Mistress, in the Presence of the next Justice of the Peace, be delivered to such Free-man, under the Penalty of Five Hundred Pounds of Tobacco on such Master or Mistress omitting so to do: And the like Penalty on the said Free-man selling or disposing thereof within the Space of Twelve Months; the one Half whereof to our Sovereign Lord the King, his Heirs and Successors, the other to the Informer. All Women-Servants, at the Expiration of their Servitude as aforesaid, shall have allowed and given, a Waist-coat and Petty-coat of new Half-thick, or Penniston, a new Shift of White Linen, Shoes and Stockings, a blue Apron, Two Caps of White Linen, and Three Barrels of *Indian* Corn.

The Gun to be delivered in Presence of a Magistrate, on Penalty of 500 lb Tobacco, and the same Penalty on such Free-man selling his Gun within 12 Months.

To a Woman Servant.

Persons dealing with Servants without Leave, &c. forfeit 2000 lb Tobacco.

X. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That no Person whatsoever, shall trade, barter, commerce, or any Way deal with any Servant, whether hired, or indented, or Slave, belonging or appertaining to any Inhabitant within this Province, without Leave or Licence

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first had and obtained from such Servant's Master, Mistress, Dame or Overseer, for his so doing, under the Penalty of Two Thousand Pounds of Tobacco; the one Half thereof to his Majesty, his Heirs and Successors, for the Support of Government, the other Half to the Master, Mistress, or true Owners of such Goods so purloined, bartered, or conveyed away, when proved by sufficient Witness, or Confession of the Party; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

If the Value of the Goods exceed 1000 lb Tobacco, the Party grieved may have Action of Damage.

XI. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That if the Goods so traded or bartered for as aforesaid, shall exceed the Sum of One Thousand Pounds of Tobacco; then the Party or Parties, whose Goods shall be embezzled or bartered away as aforesaid, shall have his Action at Law for the Damage sustained, against the Person or Persons so offending, dealing or bartering for the same; any thing in this Act to the contrary notwithstanding.

Offenders not able to pay, may be whipped.

XII. **And** in case such Person or Persons so offending, shall not be able to satisfy the same, then such Person or Persons shall be bound over by some one Justice of the Peace, and put in Security, either to appear at the next Provincial, or County Court, where, upon Conviction by Confession, or sufficient Witness, the Offender shall be punished by Whipping on the bare Back with Thirty Stripes.

Times of Servitude of Imported Servants, without Indentures, settled according to their Ages.

XIII. **And** for the ascertaining and limiting Servant's Times of Servitude; **Be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That whosoever shall transport any Servant into this Province, without Indenture, such Servant, being above the Age of Twenty-two Years, shall be obliged to serve the full Time of Five Years; if between Eighteen and Twenty-two Years, without Indentures, Six Years; if between Fifteen and Eighteen, without Indentures, Seven Years; if under Fifteen, without Indentures, shall serve till he or they arrive at the full Age of Twenty-two Years.

Except Servants from *Virginia.*

XIV. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That all Servants transported out of *Virginia* into this Province, shall compleat their Time of Servitude here, which they ought to have served in *Virginia,* and no more.

Servants imported without Indentures, to be brought into Court within 6 Months and their Ages adjudged.

XV. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That every Master, Mistress, Dame, Assignee or Trustee whatsoever, owning or keeping any such Servants as aforesaid, whether by virtue of Transportation, Purchase, or otherwise, shall within Six Months after the receiving such Servants into their Custody, within this Province, (except he, she or they, claim but Five Years Service of such Servants) bring the said Servants into the respective County Courts, where they do inhabit; and every of the said Courts, are hereby authorized to judge and determine of the Age of such Servants so brought, and cause the same to be entered upon Record: And every Owner, as aforesaid, neglecting or refusing to bring such Servant or Servants before the Court as aforesaid, shall not only stand to the Determination of the Court, but also forfeit the Sum of One Thousand Pounds of Tobacco to the King, his Heirs and Successors, for the Support of Government. And if any Master or Servant aforesaid, be grieved with the Determination of the Court, he shall, within the Time determined for their Service, produce an authentic Certificate of such Servant's Age, and shall have Remedy to the Ages aforementioned.

Relief from such Judgment how to be had.

Servitude of imported Servants to commence from

XVI. **And** foraſmuch as Disputes have formerly arose, at what Time Servants Time of Servitude, whether by Indenture or otherwise, should commence; **Be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That all

all Servants transported into this Province, whether by Indenture or otherwise, and so bound or adjudged as aforesaid, shall commence their Time of Servitude from the first anchoring of the Vessel within this Province.

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XVII. **Provided**, That the said Vessel tarry not above fourteen Days after her Entry within the Capes, and her first Anchorage in this Province: And all the Days such Ship or Ships shall tarry in *Virginia* above fourteen Days, shall be adjudged Part of the Service of such Servant, which shall be afterwards brought into *Maryland*, and there Sold: Any Law, Usage or Custom to the contrary notwithstanding.

unless the Vessel tarry in *Virginia* above fourteen Days.

XVIII. **And be it also Enacted**, *by the Authority, Advice and Consent aforesaid*, That every Indenture made by any Servant, during the Time of his Service by former Indenture, or Judgment of the County Court, according to the Tenor of this Act, shall be void, and not any ways oblige any Servant for longer Time, than by his first Indenture or Judgment of the Court shall be limited and appointed.

Indentures made by Servants during Servitude, shall be void.

XIX. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That for all such Runaway Servants or Slaves that shall be apprehended and taken up in the Province of *Pensylvania*, or Colony of *Virginia*, and from thence brought into this Province, and delivered to a Magistrate of the County into which they shall be brought; the Person, for so doing, shall have paid and allowed him, by the Master or Owner of such Runaway, Four Hundred Pounds of Tobacco and Cask, or Forty Shillings in Money, upon his producing a Certificate from the Justice or Sheriff of the Delivery of such Runaway: Except Servants or Runaways brought from *Accomack*, into *Somerset* County, for such only Two Hundred Pounds of Tobacco, or Twenty Shillings, and the like from that Side of *Virginia* next the River *Patowmack*: For which said Sum or Sums paid, such Runaway shall make Satisfaction when Free, by Service or otherwise, besides what shall be adjudged as a Recompence, for the Absence of such Runaway Servant as aforesaid, as the Court shall adjudge.

For every Runaway Servant taken up in *Pensylvania* or *Virginia*, the Owners shall pay 400 lb Tobacco, or 40 Shillings, unless brought from *Accomack* into *Somerset* County, or over *Patowmack*, &c.

XX. **But** if such Person, so apprehended, brought and delivered as aforesaid, be a Free-man, and refuse to pay such Sum or Sums of Tobacco or Money, then, and in such Case, the Magistrate before whom he or she shall be brought, shall forthwith commit the said Person so refusing, to Prison, till he or she give sufficient Security, or make full Satisfaction by Servitude or otherwise.

Free Persons so apprehended, &c. and refusing to pay, shall be committed.

XXI. **And be it further Enacted**, *by the Authority aforesaid*, That if any Master or Mistress of any Servant whatsoever, or Overseer by Order or Consent of any such Master or Mistress, shall deny, and not provide sufficient Meat, Drink, Lodging and Cloathing; or shall unreasonably burthen them beyond their Strength with Labour, or debar them of their necessary Rest and Sleep, or excessively beat and abuse them, or shall give them above Ten Lashes for any One Offence, the same being sufficiently proved before the Justices of the County Courts, the said Justices have hereby full Power and Authority for the first and second Offence to levy such Fine upon such Offender, as to them shall seem meet, not exceeding One Thousand Pounds of Tobacco, to the Use of his Majesty, his Heirs and Successors, for the Support of Government; and, for the third Offence, to set such Servant so wronged at Liberty, and free from Servitude.

Masters not providing sufficient Food, &c. for their Servants, burthening them beyond their Strength, abusing them, or giving above 10 Lashes for one Offence, may be fined. In what case the Servant may be set free.

XXII. **But** in case the Master or Owner of any such Servant shall think that he or they deserves greater Correction, then the said Master or Owner of such Servant or Servants, shall or may carry them before any Justice of the Peace;

But a Magistrate, &c. may order whipping, &c.

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Peace; who, hearing the Complaint, ſhall order ſuch Correction as he ſhall ſee fit, not exceeding Thirty-nine Laſhes for any one Offence.

Slaves and their Iſſue ſhall be Slaves during Life.

XXIII. **And be it alſo Enacted**, *by the Authority aforeſaid*, That all Negroes, and other Slaves, already imported, or hereafter to be imported into this Province, and all Children now born, or hereafter to be born, of ſuch Negroes and Slaves, ſhall be Slaves during their natural Lives.

Negroes not entitled to Freedom by being baptized.

XXIV. **And** foraſmuch as many People have neglected to baptize their Negroes, or ſuffer them to be baptized, on a vain Apprehenſion that Negroes, by receiving the Sacrament of Baptiſm, are manumitted, and ſet free; **Be it hereby further Declared and Enacted**, *by and with the Authority, Advice and Conſent aforeſaid*, That no Negro or Negroes, by receiving the Holy Sacrament of Baptiſm, is thereby manumitted or ſet free, nor hath any Right or Title to Freedom or Manumiſſion, more than he or they had before; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Miniſters, &c. joining any Negro whatſoever or Mulatto Slave to any White Perſon in Marriage, forfeit 5000 lb Tobacco.

XXV. **And be it further Enacted**, That all Miniſters, Paſtors and Magiſtrates, or other Perſons whatſoever, who according to the Laws of this Province, do uſually join People in Marriage, ſhall not, upon any Pretence, join in Marriage, any Negro whatſoever, or Mulatto Slave, with any White Perſon, on the Penalty of Five Thouſand Pounds of Tobacco, the one Half to his Majeſty, his Heirs and Succeſſors, for the Uſe of Free-Schools, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

By the Act of 1717, *ch.* 13, §. 4, any Free Negro or Mulatto intermarrying with any White Perſon, ſhall become a Slave for Life, excepting Mulattoes born of White Women, who ſhall only become Servants for Seven Years: And any White Man or Woman intermarrying with any Negro or Mulatto, ſhall become a Servant for Seven Years; to be diſpoſed of at the Diſcretion of the County Court, and applied towards the Support of the County School.

White Women got with Child by Slaves, or Free Negroes, ſhall become Servants for 7 Years.

XXVI. **And be it further Enacted**, *by the Authority aforeſaid*, That any White Woman, whether Free or a Servant, that ſhall ſuffer herſelf to be got with Child by a Negro or other Slave, or Free Negro; ſuch Woman, ſo begot with Child as aforeſaid, if Free, ſhall become a Servant for and during the Term of Seven Years; if a Servant, ſhall finiſh her Time of Servitude, together with the Damage that ſhall accrue to ſuch Perſon to whom ſhe is a Servant, by Occaſion of any Child or Children begotten as aforeſaid, in the Time of her Servitude as aforeſaid, and after ſuch Satisfaction made, ſhall again become a Servant for and during the Term of Seven Years aforeſaid.

Any Free Negro begetting ſuch Child, to ſerve 7 Years. The Children to ſerve till 31 Years of Age.

XXVII. **And** if ſuch Begetter of ſuch Child as aforeſaid, be a Free Negro, he ſhall become a Servant, for and during the Term of Seven Years as aforeſaid; to be adjudged by the Juſtices of the County Court where ſuch Fact is committed, according to this Law, in the Clauſe made and provided againſt ſuch Servants as have Baſtards: And the Iſſues or Children of ſuch unnatural and inordinate Copulations, ſhall be Servants until they arrive at the Age of One and Thirty Years.

White Men getting Negro Women with Child, to be ſubject to the ſame Penalties.

XXVIII. **And** any White Man that ſhall beget any Negro Woman with Child, whether Free Woman or Servant, ſhall undergo the ſame Penalties as White Women: All which Times of Servitude, by this Act impoſed upon the Perſons having ſo Offended, to be diſpoſed of or employed as the Juſtices of ſuch County ſhall think fit, the Produce whereof ſhall be appropriated towards defraying the County Charge.

By 1728, *ch.* 4, Free Mulatto Women and their Baſtard Iſſue, ſhall be ſubject to the ſame Penalties as White Women and their Iſſue are, for having Mulatto Baſtards by the three preceding Sections: And Free Negro Women having Baſtards by White Men and their Iſſue, ſhall be ſubject to the ſame Penalties. And the Proceedings thereon to be the ſame as above preſcribed.

XXIX. **And**

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XXIX. **And be it further Enacted,** *by the Authority aforesaid,* That any Servant Woman having a Bastard Child, and not able sufficiently to prove the Party charged to be the Begetter of such Child; in every such Case, the Mother of such Child shall be liable to satisfy the Damage so sustained, by Servitude or otherwise, as the Court before whom such Matter is brought, shall see convenient.

Bastard-bearing Servants, not proving the Father, to satisfy Damages.

XXX. **Provided,** That where the Mother of any such Child as aforesaid, do prove her Charge, by sufficient Testimony of Witness, Confession of the Party charged, or pregnant Circumstances, agreeing with her Declaration in her Extremity of her Pains or Throws of Travail, and her Oath taken by some Magistrate before the Time of her Delivery of every such Bastard Child, or after her Delivery, then the Party charged, if a Servant; shall satisfy Half the said Damage; if a Free Man, shall satisfy the whole Damage by Servitude or otherwise, as the Court before whom such Matter is brought as aforesaid, shall think fit: But if the said Free Man cannot be brought to Justice, then, and in every such Case, she shall make the same Satisfaction as if she cou'd not prove the Begetter as aforesaid. And if any such Mother as aforesaid, be able to prove, by such Testimony, or Confession of the Party charged, that he, being a single Person and a Free Man, did, before the begetting of such Child promise her Marriage, that then he shall be at his Choice, either to perform his Promise to her, or recompence her Abuse according as the Court before whom such Matter is brought, shall adjudge.

Their Charge how to be proved.

If against a Servant he shall pay half;
If a Free Man he shall satisfy the whole.
Promise of Marriage being proved against a Free Man, he shall either perform his Promise or make Recompence.

XXXI. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That after the End of this Session of Assembly, it shall and may be lawful for the Provincial and County Courts, of this Province, to hear and determine any Complaints between Masters and Servants, by way of Petition, to give Judgment and award Execution upon the same. And that, upon Appeal or Writ of Error brought upon the same, from any County Court of this Province, to the Provincial Court, or from the Provincial Court, to the Governor and Council; no such Judgment shall be reversed for want of judicial Process, or that the same was not tried by a Jury, or any Matter or Form either in the Entry or giving Judgment: Provided that it appears by the Record, that the Defendant was legally summoned, and not condemned unheard.

The Provincial and County Courts may determine Complaints between Masters and Servants by way of Petition.

XXXII. **And be it further Enacted,** *by the Authority aforesaid,* That if any Matter of Dispute arises concerning Servants imported into this Province, or any Servant that binds himself for Years within this Province, or any bound out by the County Courts of this Province, in relation to their Indentures, Contracts or Wages, or any other Matter of Difference between the said Master and Servant, the same shall be tried, heard and determined by Petition as aforesaid; any Law, Statute or Usage to the contrary notwithstanding.

All other Disputes relating to Indentures, Contracts, Wages, &c. are determinable by Petition as aforesaid.

XXXIII. **And be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That no Negro or other Slave, within this Province, shall be permitted to carry any Gun or any other offensive Weapon, from off their Master's Land, without Licence from their said Master: And if any Negro or other Slave shall presume so to do, he shall be liable to be carried before a Justice of Peace, and be whipped; and his Gun or other offensive Weapon, shall be forfeited to him that shall seize the same, and carry such Negro so offending, before a Justice of Peace.

Slaves not to carry Guns, &c. from off their Master's Land without Leave.

XXXIV. **And be it Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That from and after the End of this Session of Assembly, any Servant or Servants whatsoever, within this Province, that shall feloniously take or purloin his or their Master, Mistress or Dame's Goods or Chattels, under the Value of One Thousand Pounds of Tobacco, shall be adjudged Felony; and being thereof lawfully convict in any County Court of this

Servants stealing or purloining their Masters Goods under the Value of 1000 lb Tobacco, to be

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this Province, ſhall be adjudged to pay four Times the Value of ſuch Goods ſo purloined to his or their Maſter, Miſtreſs or Dame, which he, ſhe or they ſhall make Good by Servitude, after the Expiration of their firſt Time of Service: And ſhall alſo ſuffer ſuch Pains of Whipping or Pilloring, as the Juſtices before whom ſuch Matter is brought, ſhall adjudge.

adjudged Felony. The Servant to pay Fourfold, &c.

XXXV. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That when any Perſon or Perſons (except Negroes and Mulattoes) ſhall be found travelling without Paſſes as aforeſaid, and ſhall be taken up as ſuſpected Runaways, and by any Juſtice of Peace committed to the Cuſtody of any Sheriff or Jaylor within this Province, it ſhall not be lawful for any ſuch Sheriff or Jaylor to hold ſuch Perſon in Cuſtody longer than Six Months: And if ſuch Perſon can, at any Time within the ſaid Six Months, procure a Certificate or other Juſtification that he or ſhe is no Servant, he or ſhe ſhall and may, by Order of any two Juſtices of the County where ſuch Perſon is committed to Priſon, be diſcharged from any further Impriſonment; he, ſhe or they ſerving ſuch Sheriff or Jaylor, or his Aſſigns, ſo many Days as he, ſhe or they were in Cuſtody of ſuch Sheriff or Jaylor, or otherwiſe paying Ten Pounds of Tobacco per Day, to ſuch Sheriff or Jaylor, for their Impriſonment Fees, and no more; and paying unto ſuch Perſon or Perſons who took up ſuch Perſon, Two Hundred Pounds of Tobacco, or ſerving him, her or them Twenty Days in lieu thereof. And if any ſuch Sheriff or Jaylor ſhall detain ſuch Perſon in Priſon after ſuch Order of two Juſtices aforeſaid, or the Expiration of Six Months, and Payment of Ten Pounds of Tobacco per Day as aforeſaid, ſuch Sheriff or Jaylor ſhall be liable to an Action of Falſe Impriſonment; any Law, Statute or Uſage to the contrary notwithſtanding.

Perſons taken up and committed as ſuſpected Runaways, ſhall not be held in Cuſtody above Six Months. How they may be diſcharged within that Time, on paying or ſerving for Impriſonment Fees, and for the taking up.

Sheriffs, &c. detaining them longer, &c. are liable to Action of Falſe Impriſonment.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

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Paſſed 3d *June* 1715.

An Act for aſcertaining the Bounds of Lands within this Province. *Lib.* LL. N° 4. *fol.* 256. *EXP.*

N. B. This Act was to commence the 1ſt *June* 1716, and to continue in Force 3 Years, from that Date. It was alſo repealed by 1718, *ch.* 18, which was Diſſented to by his Lordſhip.

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Ditto.

An ACT for the Direction of Sheriffs in their Offices, and reſtraining their ill Practices within this Province. *Lib.* LL. N° 4. *fol.* 263.

N. B. §. 1 and 2 of this Act are of no uſe during the Continuance of the Inſpection Law of 1763, *ch.* 18.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame*, That no Sheriff, Under-Sheriff, or Deputy-Sheriff, ſhall ſeize any Tobacco unſtript, or ſeize or mark any Merchant's or Other's Tobacco received, marked and nailed, for any Cauſe whatſoever, but only for Levies due to the Public, County, Pariſh, or for the Forty per Poll to the Miniſter: And the ſeveral Sheriffs are hereby impowered to break the Lock of any Tobacco-houſe, or other Houſes where Tobacco is or ſhall be ſecured with Deſign to prevent the ſaid Sheriff from ſeizing ſuch Tobacco for Levies and Dues as aforeſaid. And any Sheriff ſo ſeizing or marking any Hogſhead or Hogſheads of Tobacco containing more than what is juſtly due for Levies and Dues as aforeſaid, without Satisfaction to the Perſon to whom ſuch Tobacco doth belong, as by giving Credit, or ſuffering him to take the Overplus out of ſuch Hogſhead of Tobacco, at the Choice of the Party paying or owing the ſame, ſhall pay, for every ſuch Default the Sum of Two Thouſand Pounds of Tobacco; one Half to his Majeſty, his Heirs and Succeſſors, for Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province,

No Sheriff, &c. to ſeize Tobacco unſtript, or already received, marked and nailed for any Merchant or Others, except for Public, &c. Levies, or the 40 per Poll, and ſhall make Satisfaction for the Overplus, if any,

on Penalty of 2000 lb Tobacco.

Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed. CHAP. XLVI.

II. And if it ſhall ſo happen that at any Time any Sheriff ſhall ſeize any Hogſhead of Tobacco which ſhall weigh more than ſuch Levy or Levies, or Dues as aforeſaid, ſhall amount unto, if the remaining Part, due to the Party or Parties from whom they ſhall receive ſuch Levy or Levies or Dues aforeſaid, be the greater Quantity; then, and in every ſuch Caſe, the Sheriff or Sheriffs ſhall take out of the ſaid Hogſhead ſuch Quantity or Quantities of Tobacco due to him for ſuch Levy or Levies, or Dues as aforeſaid, and the ſaid Hogſhead, and the remaining Part of the Tobacco ſhall be and remain with the Party or Parties paying the ſame: But if the remaining Part of ſuch Hogſhead of Tobacco, ſo ſeized as aforeſaid, and belonging to the Party or Parties paying the ſame, ſhall be the leſs Quantity than is due to the ſaid Sheriff or Sheriffs as aforeſaid, then, and in every ſuch Caſe, the Owner or Owners of ſuch Tobacco ſhall take out of the Overplus of ſuch Tobacco, and the Hogſhead, with the remaining Part, ſhall belong to ſuch Sheriff or Sheriffs receiving the ſame.

In caſe of breaking a Hogſhead on ſuch Seizure, the Party that hath the greateſt Share of the Tobacco ſhall have the Caſk.

III. And whereas many litigious Perſons have, and for the future may commence Actions of Treſpaſs upon the Caſe, rather out of Spite and Malice, than any real Cauſe of Action, and although they ſet not forth in the Original Writ the Cauſe of ſuch Action, yet lay their Damage to a vaſt Sum, to deter Perſons from being Bail: For Prevention whereof for the future; Be it Enacted, *by the Authority, Advice and Conſent aforeſaid*, That in all Actions of Treſpaſs upon the Caſe, where Damages are laid to be above Four Thouſand Pounds of Tobacco, if no Declaration be ſent with the Writ, expreſſing the true Cauſe of Action, the Sheriff ſhall not require a Bail Bond exceeding the Sum of Eight Thouſand Pounds of Tobacco, although the Damages be marked on the Writ for any greater Sum whatſoever: And any Sheriff offending herein ſhall forfeit the Sum of Four Thouſand Pounds of Tobacco, the one Half thereof to his Majeſty, his Heirs and Succeſſors, for the Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

No Sheriff ſhall, in any Action of Treſpaſs, take a Bail Bond exceeding 8000 lb Tobacco, where no Declaration is ſent with the Writ,

on Penalty of 4000 lb Tobacco.

IV. And to the End that Public Creditors may be ſpeedily ſatisfied their Debts due from the Public; Be it Enacted, *by the Authority, Advice and Conſent aforeſaid*, That every Public Creditor within this Province, ſhall be at his Election to make Application to the Governor of this Province, for the Time being, to put ſuch Sheriff's Bond or Bonds in Suit; or otherwiſe may immediately have an Action of Debt againſt ſuch Sheriff, in any Court of Record within this Province, for ſuch Public Tobacco as ſhall be due to ſuch Creditors.

Public Creditors may either apply to the Governor to put the Sheriff's Bond in Suit, or may immediately have Action of Debt, &c.

V. And to the End that no Officer, or other Perſon, may be ſurprized, or unjuſtly moleſted, either upon the Account of Payment or Collection of Public Dues; Be it likewiſe Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That any Perſon or Perſons having Public Tobacco due to them, or Fees in any Sheriff's Hands to collect, and that do not ſignify to ſuch Sheriff or Sheriffs their Dependance and Reſolution of making Uſe of the ſame, on or before the Twenty-fifth Day of *December* in the Year the ſame ſhall be due to him or them, ſhall not have, take or demand, any Benefit or Advantage by this Act allowed for that preſent Year, and ſo every Year ſucceſſively; nor ſhall the Sheriff of any reſpective County levy, by way of Execution, any Public Dues, or Officers Fees, upon the Body, Goods or Chattels of any the Inhabitants of this Province, except they have made

Public Dues, &c. to be demanded of the Sheriff by the 25th *Dec.* yearly,

and by the Sheriff at or before the 20th *Feb.*

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made a Demand thereof at, or before, the Twentieth Day of *February* for that preſent Year, and ſo every Year ſucceſſively.

No Sheriff ſhall execute againſt a former Sheriff's Receipt, or other Proof of Payment.

Penalty.

VI. **And be it alſo Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That any Sheriff within this Province, having in his Hands Public Officers Fees to collect, ſhall not preſume to levy, by Execution, upon the Body, Goods and Chattels of any the Inhabitants of this Province, any Fees to him committed to collect, where the Perſon or Perſons, from whom ſuch Fees appear to be due, produce the former Sheriff's Receipt, or otherwiſe make appear the ſame to be paid; under the Forfeiture and Penalty of treble the Sum executed, to the Party or Parties grieved; to be recovered with Coſt in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

Sheriff's Bonds to be taken by the ſeveral County Courts in Manner following,

VII. **And** foraſmuch as Sheriff's Bonds have been, of late Years, uſually taken in the County Courts, for the better Conveniency of Sheriffs getting Security; for aſcertaining the Form whereof for the future; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all Sheriffs Bonds, hereafter to be taken, throughout this Province, ſhall be made in Manner and Form following, *(That is to ſay,)*

Form of the Bond.

" Maryland, *ſct.*

" *Know all Men, by theſe Preſents, that We* A. B. *of*
" *County, in the Province aforeſaid, are holden and firmly bound to our Sovereign*
" *Lord King* GEORGE, &c. *in the full Sum, and juſt Quantity of Two Hundred*
" *Thouſand Pounds of good, ſound, merchantable Leaf Tobacco, and Caſk, to be*
" *paid to his ſaid Majeſty, his Heirs and Succeſſors: To the which Payment well*
" *and truly to be made, We bind ourſelves and every of Us, our and every of our*
" *Heirs, Executors and Adminiſtrators, jointly and ſeverally, for the Whole and*
" *in the Whole, firmly by theſe Preſents. Sealed with our Seals, and Dated the*
" *Day of in the Year of his Majeſty's Reign,* Annoq;
" Domini 17 .

" *The Condition of the above Obligation is ſuch, That if the above bounden*
" A. B. *do well and truly ſerve his ſacred Majeſty, his Heirs and Succeſſors, in*
" *the Office of High-Sheriff of the County of within the Province*
" *aforeſaid, and in all Things well and faithfully execute the ſame Office, and alſo*
" *ſhall render to his ſaid Majeſty, and other his Officers, a true, faithful and per-*
" *fect Account of all and ſingular his ſaid Majeſty's Rights and Dues, and to his*
" *Officers a true and juſt Account of their Fees, that he ſhall or may be entruſted*
" *with by his ſaid Majeſty's Governor, and other his Officers within this Province,*
" *to receive and collect; and his Account to his ſaid Majeſty, his Heirs and Suc-*
" *ceſſors, and to his and their Governor here, for the Time being, for the Fines and*
" *Forfeitures, and other Dues belonging to his ſaid Majeſty's Governor; as alſo*
" *his Account of all Fees, Dues, and Sums of Money or Tobacco due to any of the*
" *good People within this Province, for any Sum or Sums of Money or Tobacco,*
" *wherewith the ſaid Sheriff ſhall be intruſted during the Time of his Shrievalty*
" *for this preſent or to ſuch of them as ſhall require the ſame, ſhall*
" *paſs and render by the Tenth Day of* May *next enſuing the Date hereof, and in*
" *all other Things as Sheriff of the County of ſhall behave himſelf well*
" *and honeſtly towards all Perſons, according to the beſt of his Power, Skill and*
" *Knowledge: Then this Obligation to be Void, and of no Effect, or elſe to ſtand in*
" *full Force, Strength and Virtue.*"

To be tranſmitted by the County Court to the Secretary's Office in two Months, on Penalty of 1500lb Tobacco.

VIII. **Which** ſaid Bond, taken in Form aforeſaid, if by the County Court, the Commiſſioners thereof ſhall yearly tranſmit the ſame unto the Secretary's Office, within Two Months after the Taking thereof; in default whereof, the Commiſſioners of any County Court, taking ſuch Bond, and not cauſing the ſame to be ſo tranſmitted within the Time aforeſaid, ſhall forfeit to his Majeſty, his Heirs and Succeſſors, Fifteen Hundred Pounds of Tobacco; the

one Half whereof shall be applied to the Support of Government, and the other to the Informer, or such Person that will sue for the same; to be recovered in the Provincial Court of this Province, wherein no Essoin, Protection or Wager of Law shall be allowed. CHAP. XLVI.

IX. **And** the said Secretary, and his chief Clerk of the Provincial Court, shall be obliged, at the next Council after receiving any Sheriff's Bond or Bonds into the Secretary's Office, to lay the same before his Excellency the Governor of this Province, for the Time being, for his Approbation or Disallowance of the Securities taken by the County Courts. And the said Commissioners are hereby required and enjoined, to take new Security yearly, and every Year, of such Sheriffs, so long as they shall continue in the said Office, and transmit the same as aforesaid; having a special Regard not to admit any Person to be Security as aforesaid, but such as are good and substantial Freeholders within their Counties; and also to make the Obligation of such Bond, so to be taken from any Sheriff, answerable to the Public Charge of their respective Counties; which Penalty shall not be less than Two Hundred Thousand Pounds of Tobacco as aforesaid.

And laid (by the Secretary, *&c.*) before the Governor in Council, for his Approbation. County Courts to take new Security yearly.

X. **And** for the Encouragement of such Persons now bearing, or that shall hereafter bear, the Office of Sheriff, and who shall punctually comply with the Public Creditors; **It is also hereby further Enacted**, *by the Authority, Advice and Consent aforesaid*, That it shall and may be lawful for his Majesty's Governor, for the Time being, where no just Complaint is made against such Sheriffs, to continue and make good their Commission, for the Time and Term of Three Years successively, but no longer.

Sheriffs may be continued 3 Years successively in Office, and no longer.

XI. **And be it further Enacted**, *by and with the Advice and Consent aforesaid*, That if any High-Sheriff or High-Sheriffs, being indebted to any Person or Persons, shall refuse to discount or allow the same out of any Public or County Levy due from such Person or Persons, but will, notwithstanding the same Debt being due from the Sheriff, take the Body, or Goods of such Person in Execution, shall be liable to be prosecuted in an Action of Trespass, or False-Imprisonment, as the Case shall require.

Sheriffs shall discount their own Debts out of any Levies due from their Creditors; or be liable to Action, *&c.*

XII. **And be it further Enacted**, That the High-Sheriff of every respective County shall be liable to be sued as aforesaid, for his own, or any of his Deputies Offence or Offences against this Act: And the Debts mentioned, which the Sheriff may owe to any Inhabitant, are to be understood of such Debts as are assigned to the Inhabitants in the Public, County, or Parish Levy, or Forty per Poll as aforesaid, or due from the High-Sheriff, by Bill, Bond, Note, or Account proved; any Law, Usage or Custom to the contrary notwithstanding.

Not only for their own, but also their Deputies Offences herein. What sort of Debts the Sheriff shall be obliged to discount.

By 1724, *ch.* 21, §. 4, Sheriffs shall discount their own Debts out of any Levies, *&c.* and allow the Contents of any Note drawn on them by Persons having Tobacco in their Hands, in Favour of or indorsed to any Person indebted to such Sheriffs, so far as they shall owe the Drawer of such Note; without any Deduction for such Discount, on Forfeiture of 2000 ℔ Tobacco for every Offence.

XIII. **And whereas** there have been divers great Complaints from several Parts of this Province, to this General Assembly, of several Sheriffs and Sub-Sheriffs, that have exacted and extorted great Sums of Tobacco, above their due and lawful Fees ascertained by the Acts of Assembly of this Province, from several of the Inhabitants thereof; and though the Laws of this Province have inflicted a severe Penalty upon any Officer that shall charge and receive more than his due Fees, yet the said Officers have most cunningly and craftily evaded the said Laws, by taking Bills, or Writings obligatory, without ever delivering any Account signed under their Hands, as the Law directs, so that the Party grieved cannot sufficiently prove the said Extortion, and is thereby left without Remedy: For Prevention whereof, **Be it Enacted**, *by*

Evil Practices of Sheriffs, in taking Bonds for Fees, *&c.*

CHAP. XLVI. Bonds taken by Sheriffs and Sub-Sheriffs during their Office, ſhall be endorſed, for what Conſideration, otherwiſe ſhall be void.

the Authority, Advice and Conſent aforeſaid, That no Sheriff or Sub-Sheriff, within this Province, after the Publication of this Act, in their ſeveral and reſpective Counties wherein they dwell, ſhall take any Bond, Bill, or any other Writing obligatory, of any Perſon or Perſons, upon any Pretence whatſoever, without endorſing the Account on the Back of the ſaid Bond, Bill, or Writing obligatory, for which the ſame was paſſed: And if any Sheriff or Sub-Sheriff within this Province, ſhall, during the Time that he remains in his Place or Office, upon any Pretence whatſoever, take any Bill, Bond or Writing obligatory, without endorſing the Account on the Back-ſide of the ſaid Bond, Bill, or Writing obligatory, as aforeſaid, by which it may appear upon what Conſideration the ſame was taken, the ſaid Bond, Bill, or Writing obligatory ſhall be void, and of no effect; and the Officer or Officers that took the ſame, ſhall loſe his Debt, and for ever be debarred of ſuing any other Action for the Recovery of the ſame; any Law, Statute or Uſage to the contrary in any wiſe notwithſtanding.

Salvo with reſpect to the Act of Limitation.

XIV. **And** that whereas the ſaid Officers are prohibited from taking Bills, upon any Pretence whatſoever, otherwiſe than as is directed by this Act, during the Time they remain in Office; to the Intent the ſaid Officers may receive no Damage by the Act of Aſſembly for Limitation of Actions, **Be it further Enacted**, *by the Authority aforeſaid*, That the Time the ſaid Officers remain in Office ſhall not be reckoned or accounted in the Act of Limitation.

The Sheriff ſhall charge only ſingle Impriſonment Fees, tho' the Party be in Priſon at the Suit of ſeveral Perſons.

XV. **And** that whereas it hath been the Practice of ſeveral Sheriffs of this Province, where a Perſon hath been in Priſon at the Suit of two or three ſeveral Perſons, or hath lain for the Satisfaction of two or more ſeveral Judgments, for the Sheriff to charge Impriſonment Fees for each Action or Judgment: For Prevention whereof for the future, **Be it Enacted**, *by the Authority aforeſaid*, That it ſhall not be lawful for any Sheriff within this Province, to take any more Fees for keeping any Priſoner, though he be in Priſon at the Suit of two or three ſeveral Perſons, or for ſeveral Judgments, than if he was in Priſon only at one Suit, or for one Cauſe, under the Pains and Penalties mentioned in the * Act for Limitation of Officers Fees, againſt the Offenders thereof.

* 1704, *ch.* 86; which expired 1719.

Repeal of former Acts, viz.

1704, *ch.* 57.

1713, *ch.* 1.

XVI. **And be it further Enacted**, That a certain Act of Aſſembly of this Province, entitled, *An Act reſtraining the Extortions of Sheriffs, Sub-Sheriffs, and Deputy Commiſſaries*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April*, *Anno Domini* One Thouſand Seven Hundred and Four; and one other Act of Aſſembly, entitled, *An Act of Directions for the Sheriff's Office in this Province, and for the more eaſy Payment of the Public and County Levy*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Twenty-ſecond Day of *October*, *Anno Domini* Seventeen Hundred and Thirteen, be and are hereby repealed and made void.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

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Paſſed 3d *June* 1715.

An ACT for quieting Poſſeſſions, enrolling Conveyances, and ſecuring the Eſtates of Purchaſers. *Lib.* LL. N° 4. *fol.* 269.

Supplementary Act 1752, *ch.* 8.

The Act of 1671, *ch.* 6, approved.

FORASMUCH as a good and beneficial Law, entitled, *An Act for quieting of Poſſeſſions*, was made the Twenty-ſeventh Day of *March*, *Anno Domini* One Thouſand Six Hundred Seventy-one, in this Province, which by the Uſe thereof hath been found very much conducing to the Benefit of the ſaid Province; **Be it therefore Enacted**, *by the King's moſt excellent Majeſty*,

Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That all Sales, Gifts, and Grants at any Time before the Thirteenth Day of *April*, One Thousand Six Hundred Seventy-four, (and not after) of any Lands, Tenements or Hereditaments, within this Province, by any Person or Persons whatsoever that had Right to sell, give, or grant such Lands, Tenements or Hereditaments, made by Writing only, with or without Seal, shall for ever hereafter be accounted good and available in Law, to bar the Heirs of such Vendors, Donors or Grantors; any Error in the Form only, of such Writing, to the contrary notwithstanding.

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All Sales, &c. at any Time before the 13th *April* 1674, made by Writing, with or without Seal, shall be good in Law:

II. **And forasmuch** as divers Assignments of Patents, written on the Backside of such Patent for Land, are now worn out, and also other Sales in Paper either worn out or quite lost, for which the Purchase Money hath been *bonâ fide* paid; **Be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That all Sales, Gifts or Grants, at any Time before the said Thirteenth Day of *April*, One Thousand Six Hundred Seventy-four, made by Persons that Right had as aforesaid, if either the Sale, Gift, Grant or Payment, *bonâ fide*, can be proved by Witnesses, such Sale, Gift or Grant, shall for ever hereafter be accounted good and available in Law, to bar the Heirs of such Vendors, Donors or Grantors, or any Person claiming Dower from such Vendor, Donor or Grantor; any Law, Usage or Custom to the contrary thereof notwithstanding.

And also all Sales, &c. made before that Time, the Writings of which are lost, &c. where either the Sale, &c. or Payment can be proved by Witnesses.

III. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That all Sales and Grants of any Lands, Tenements and Hereditaments, made by Deed indented and enrolled since the said Thirteenth Day of *April*, One Thousand Six Hundred Seventy-four, or that hereafter shall be so made and enrolled, shall be good and available in Law, without Livery of Seizin.

Sales of Land, &c. made by Deed enrolled, are good without Livery or Seizin.

IV. **And whereas,** in the Year of our Lord One Thousand Six Hundred Seventy-four, and in the Forty-second Year of the Dominion of the Right Honourable *Cæcilius*, Lord Baron of *Baltimore*, a very good Law was made, whereby it was Enacted by his said Lordship, by and with the Advice and Consent of the Upper and Lower Houses of the then General Assembly, That no Manors, Lordships, Lands, Tenements and Hereditaments whatsoever, within this Province, should alter, pass or change from one to another, (as by the said Act, Relation being thereunto had, more at large doth appear) except the same were acknowledged and enrolled, as in the said Law is directed: **Be it therefore hereby Declared and Enacted,** *by the Authority, Advice and Consent aforesaid,* That whatsoever Deed or Deeds, Conveyance or Conveyances, during the continuance of the said Law, were enrolled by virtue of the said Law, within the Time therein limited, are and shall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of such Deed or Deeds, Conveyance or Conveyances, enrolled. And if any Deed or Deeds, Conveyance or Conveyances, made during the continuance of that Act, were sealed and delivered, but not enrolled according to the Intent of the said Law; **It is hereby Enacted and Declared,** That nothing has passed by such Deed or Deeds, Conveyance or Conveyances, not enrolled as aforesaid, the Repeal of the said Law notwithstanding.

The Act of 1674, *ch.* 2, approved.

Conveyances made and enrolled under that Act confirmed.

But declared void, if not enrolled.

V. **And whereas,** at an Assembly held at the City of *St. Mary*'s on the Tenth Day of *May*, *Anno Domini* One Thousand Six Hundred Ninety-two, in the Fourth Year of the Reign of our late Sovereign Lord and Lady, King *William* and Queen *Mary*, of blessed Memory, *An Act for Enrolment of Conveyances, and securing the Estates of Purchasers*, was then made, whereby it was Enacted, That no Manors, Lands, Tenements, or Hereditaments whatsoever, within this Province, shall pass, alter or change from one to another, whereby the Estate of Inheritance or Free-hold, &c. shall take Effect, &c.

The Act of 1692, *ch.* 30, recited.

as

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as by the ſaid Law (Relation being thereunto had) more at large doth appear, except the Deed or Deeds, Conveyance or Conveyances, by which the ſame were intended to paſs, alter or change from one to another, were acknowledged and enrolled, as the ſaid Law directs; **Be it hereby Enacted and Declared,** *by the Authority, Advice and Conſent aforeſaid,* That whatſoever Deed or Deeds, Conveyance or Conveyances, during the Continuance of the ſaid laſt mentioned Act, were enrolled by virtue thereof, within the Time therein limited, are and ſhall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of ſuch Deed or Deeds, Conveyance or Conveyances enrolled. And if any Deed or Deeds, Conveyance or Conveyances, made during the continuance of that Act, were ſealed and delivered, but not enrolled according to the Intent of the ſaid Law; **It is hereby Enacted and Declared,** That nothing has paſſed by ſuch Deed or Deeds, Conveyance or Conveyances, not enrolled as aforeſaid, the Repeal of the ſaid Act notwithſtanding.

Conveyances made and enrolled under that Act confirmed,

But declared void, if not enrolled.

The Act of 1699, *ch.* 42, recited.

VI. **And whereas** at a Seſſion of Aſſembly begun and held at the Port of *Annapolis,* the Twenty-ſeventh Day of *June,* and ended the Twenty-ſecond Day of *July,* in the Eleventh Year of the Reign of our late Sovereign Lord King *William* the Third, *Anno Domini* One Thouſand Six Hundred Ninety-nine, *An Act for enrolling of Conveyances, and ſecuring the Eſtates of Purchaſers,* was made, whereby, for the better eſtabliſhing a Way and Method of conveying of Manors, Lands, Tenements, and Hereditaments, and for avoiding the Abuſes and Deceits by Mortgages, it was Enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the ſame Aſſembly, and the Authority of the ſame, That no Manors, Lands, Tenements or Hereditaments whatſoever, within this Province, ſhould paſs, alter or change from one to another, whereby the Eſtate of Inheritance, or Free-hold, or any Eſtate for above Seven Years, ſhould be made to take Effect, *&c.* as by the ſaid Act, Relation being thereunto had, more at large doth appear; except the Deed or Deeds, Conveyance or Conveyances, by which the ſame could be intended to paſs, *&c.* were acknowledged and enrolled, as the Law directs; **Be it hereby Enacted and Declared,** That whatſoever Deed or Deeds, Conveyance or Conveyances, made during the Continuance of the ſaid Law, were enrolled by virtue of the ſaid Law, within the Time therein limited, are, and ſhall be taken and adjudged to be effectual in Law, according to the Purport, Intent and Meaning of ſuch Deed or Deeds, Conveyance or Conveyances, enrolled. And if any Deed or Deeds, Conveyance or Conveyances, made during the continuance of that Act, were ſealed and delivered, but not enrolled according to the Intent of the ſaid Law, **It is hereby Enacted and Declared,** That nothing hath paſſed by ſuch Deed or Deeds, Conveyance or Conveyances not enrolled as aforeſaid, the Repeal of the ſaid Act notwithſtanding.

Conveyances made and enrolled under that Act confirmed,

But delared void, if not enrolled.

Method of Conveyancing aſcertained.

VII. **And** for the better aſcertaining a Way and Method for conveying of Manors, Lands, Tenements and Hereditaments for the future, and for the avoiding Abuſes and Deceits by Mortgages; **Be it Enacted,** *by the King's moſt excellent Majeſty, by and with the Advice and Conſent aforeſaid,* That from and after the Publication hereof, no Manors, Lands, Tenements or Hereditaments whatſoever, within this Province, ſhall paſs, alter or change, from one to another, whereby the Eſtate of Inheritance, or Free-hold, or any Eſtate for above Seven Years, ſhall be made or take Effect in any Perſon or Perſons, or any Uſe thereof to be made, by reaſon of any Bargain and Sale only, except the Deed or Conveyance, by which the ſame ſhall be intended to paſs, alter or change the ſame, be made by Writing indented and ſealed, and the ſame to be * acknowledged in the Provincial Court, or before one Juſtice thereof, or in the County Court, or before two Juſtices of the ſame, where ſuch Manors, Lands, Tenements or Hereditaments do lie, and enrolled within Six Months after the Date of ſuch Writing indented as aforeſaid. And for the

Conveyances of Lands, *&c.* to be made by Writing indented and ſealed, and acknowledged either in the Provincial or County Court, or before one Provincial, or two County Magiſtrates within ſix Months after the Date.

the taking of such Acknowledgment, there shall be paid to the Party or Parties taking the same, One Shilling and no more: And the Clerk shall immediately, upon the Receipt of such Deed, endorse the Time of his receiving the same on the Back thereof, and shall well and truly enroll such Deed or Conveyance in a good sufficient Book in Folio, to be regularly alphabeted in the Names of both Parties, and to remain in the Custody of the Clerk of the same Court, for the Time being, among the Records of the same Court: And that the same Clerk shall, on the Back of every such Deed, in a full legible Hand, make an Endorsement of such Enrolment, and also of the Folio of the Book in which the same shall be enrolled, and shall to such Endorsement set his Hand.

Fee One Shilling. The Clerk to enroll the Conveyance, and endorse the Enrolment on the Back of the Deed, &c.

* By 1725, *ch.* 8, Probates of Deeds, &c. either in the Mayor's Court, or before two Magistrates of the City of *Annapolis*, and all Deeds of Lands lying within the Precincts of that City, and acknowledged, &c. shall be good in Law, as if made and acknowledged before a Provincial Justice, &c.

VIII. **And provided always, and be it further Enacted,** *by the Authority aforesaid*, That when the Grantor or Grantors, Bargainer or Bargainers of such Lands, Tenements or Hereditaments, shall live remote from either the Provincial Court, or County Court where the Land lieth; it shall and may be lawful for such Grantor or Bargainer to acknowledge the same in the County where such Bargainers live: And a Certificate of such Acknowledgment, under the Hand of the County Clerk, and under the Seal of the same County, of such Acknowledgment, shall be taken, deemed, reputed, and be as good and valid, as if the same had been acknowledged either in the Provincial, or County Court where such Land lieth; and be a sufficient Warrant for such County Clerk, where the Land lieth, to enroll the same. And if any such Grantor or Bargainor of any Lands or Tenements as aforesaid, shall happen to be out of this Province, within any of his Majesty's Dominions, at the Time of the Ensealing such Writing or Writings indented, so as the same cannot be acknowledged, as is before directed, or enrolled within the Time for that Purpose herein before limited; That in every such Case, such Lands or Tenements as aforesaid shall be acknowledged by a Letter of Attorney, well and sufficiently proved, either in the Provincial, or County Court where such Lands or Tenements lie; or before One Justice of the Provincial Court, or Two Justices of the County Court as aforesaid, and be enrolled as aforesaid; any thing herein before contained to the contrary thereof notwithstanding.

Grantors living remote from the Provincial, or County Court, where the Land lieth, may acknowledge in the County wherein they reside, &c.

Being out of the Province, within the King's Dominions, at the perfecting of the Deed: Acknowledgment may be made by Attorney.

IX. **And be it further Enacted,** *by the Authority aforesaid*, That every such Writing indented, to be acknowledged and enrolled as aforesaid, shall have Relation, as to the Passing and Conveying of the Premises, and the Estate and Estates thereby passed, or intended to be passed and conveyed, by and from the Day of the Enrolment of the same, and not from the Day of the Date thereof; and shall at all Times be construed and taken more favourably and beneficially for the Benefit and Advantage of the Grantee or Grantees; and more strongly for the barring the Grantors therein to be named, and according to such Intents, as by the Words thereof, shall appear to have been the true Intent of the Parties thereunto; although the same be not so firmly drawn as is used in *England*, where the Advice of Council learned in the Law may be easily had.

Deeds of Sale, &c. to take Effect from the Day of Enrolment, and not of their Date.

X. **Provided always,** That if any *Femme Covert* be named as a Grantor in any such Writing indented, the same shall not be in Force to debar her or her Heirs, except upon her Acknowledgement of the same; and the Person or Persons, taking such her Acknowledgment, shall examine her privately, out of the Hearing of her Husband, "Whether she doth make her Acknowledgment of the same willingly and freely, and without being induced thereto by Fear or Threats of, or ill Usage by her Husband, or Fear of his Displeasure?" And that the Person or Persons so examining her, shall (in a Note or Certificate of the Taking of the said Acknowledgment) certify her

Proviso in Favour of *Femme Coverts*,

who shall be examined, and how,

CHAP. XLVII.

her Examination and Acknowledgment thereupon; and that ſuch Certificate be likewiſe enrolled upon Record: In which Caſe, and by ſuch Acknowledgments and Certificates, *Femme Coverts* ſhall be barred, and not otherwiſe; and ſhall alſo be barred of their Dower by ſuch like Acknowledgment, where they have only a Right of Dower in the Eſtate conveyed, although not named in the Deed thereof; any thing herein contained to the contrary notwithſtanding.

and not be barred of Eſtate or Dower without ſuch Examination, &c. and Certificate thereof enrolled upon Record.

By 1752, *ch.* 8, the Acknowledgment and Examination of any *Femme Covert* who reſides out of the Province, taken before the Mayor of any Corporation in *Great-Britain* or *Ireland*, or before one Juſtice of the Supreme Court of any Province or Colony within his Majeſty's Dominions, and certified by Endorſement upon ſuch Deed, under the Hand of ſuch Magiſtrate, and Seal of the Corporation or Colony reſpectively, ſhall be good in Law to bar ſuch *Femme Covert*, of her Right of Inheritance, or Dower, as the Caſe may be.

Acknowledgments of Deeds, under former Acts, before one Provincial Juſtice, or one or two Members of the Council, confirmed.

XI. **Provided always, and be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That where any Acknowledgment or Acknowledgments of any Deed or Deeds, Conveyance or Conveyances, by them that Right had to grant, bargain and ſell any Manors, Lands, Tenements or Hereditaments within this Province, have been made during the Continuance of any the former recited Acts of Aſſembly, before one Juſtice of the Provincial Court, or before one or two of the Council, and enrolled according to the Direction of the former Acts, ſhall be good and effectual in the Law, to all Intents, Conſtructions and Purpoſes whatſoever; any Thing in this Act contained to the contrary thereof, in any wiſe notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLVIII.

Paſſed 3d *June* 1715.

An ACT for rectifying the ill Practices of Attorneys of this Province, and aſcertaining Fees to the Attorney-General, Clerk of Indictments, Attorneys and Practitioners of the Law in the Courts of this Province, and for levying the ſame by Way of Execution. *Lib.* L. L. N° 4. *fol.* 275.

No criminal Proceſs ſhall iſſue out of any Court, without Preſentment, or Order of the Governor in Council, or of Court.

Any Attorney, &c. in the Provincial Court, offending herein ſhall forfeit 5000 lb Tobacco,

to be recovered in the Provincial Court.

BE it Enacted, *by the King's moſt excellent Majeſty, by and with the Advice and Conſent of his Majeſty's Governor, Council, and Aſſembly of this Province, and the Authority of the ſame,* That after the End of this Seſſion of Aſſembly, no Proceſs for any criminal Matter, or other Miſdemeanour, ſhall iſſue out of any the Courts of this Province, againſt any Perſon or Perſons whatſoever, without a Preſentment be firſt found againſt the ſaid Perſon or Perſons by the Grand-Jury, unleſs by a ſpecial Order of his Excellency the Governor in Council, or of the Provincial or County Courts in this Province. And if the Attorney-General, or any other Attorney of the Provincial Court, ſhall iſſue forth Proceſs againſt any Perſon or Perſons, and no Preſentment, or Order of his Excellency the Governor in Council, or Order of Courts appear upon Record to juſtify the ſame, the ſaid Attorney ſo offending, ſhall forfeit and pay for ſuch his Offence, the Sum of Five Thouſand Pounds of Tobacco, the one Half to his Majeſty, his Heirs and Succeſſors towards the Support of Government, within this Province, the other Half to the Party grieved, or to him or them that ſhall inform or ſue for the ſame; to be recovered in the Provincial Court of this Province, by Bill, Plaint or Information.

In the County Court 2500 lb Tobacco.

II. **And** if any Clerk of the Indictments in any County Court of this Province, or any other Attorney practiſing in the ſaid Courts, ſhall iſſue forth Proceſs againſt any Perſon or Perſons, for any criminal Matter or Miſdemeanour, without a Preſentment be firſt found by the Grand Jury againſt the ſaid Perſon or Perſons, or eſpecial Order of the Governor in Council, or County Court, appearing upon Record to juſtify the ſame; the ſaid Clerk of Indict-

CHAP. XLVIII.

Indictments or other Attorney, so offending, shall forfeit and pay for such his Offence the Sum of Two Thousand Five Hundred Pounds of Tobacco; the one Half to his Majesty, his Heirs and Successors, towards the Support of Government in this Province, the other Half to the Party grieved, or to him or them that shall inform or sue for the same; to be recovered in the respective County Courts of this Province where such Offence was committed, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed; neither shall the Party so offending, have any Appeal or Writ of Error, but the Judgment of the County Court shall be definitive therein.

To be recovered in the County Court, without Appeal.

III. **And** if the Clerk of the Provincial Court of this Province, or any of the Clerks of the County Courts of this Province, shall issue out Process in criminal Causes, without an Order for the same, under the Hand of an Attorney practising in the said Court or Courts, to justify the same; the said Clerk or Clerks so offending, shall be liable to the same Forfeitures and Penalty of Attorneys so offending; and the said Forfeitures to be recovered as aforesaid, and go to the Uses aforesaid.

Clerks issuing out such Process, without Order from an Attorney, are liable to the same Forfeitures.

IV. **And be it further Enacted,** *by the Authority aforesaid,* That the Attorney-General of this Province, shall not recover nor receive any Fee for any Navigation Bond put in Suit, either where the Certificate was (before the Suit of the said Bonds) lodged in the Secretary's Office of this Province, or where it can be proved that he knew that there was such Certificate returned: Neither shall the said Attorney-General receive or have any Fee for any Bond for Country Dues, where the said Bond appears not to be forfeited. And if the said Attorney-General, after the End of this Session of Assembly, shall sue any Bond taken contrary to Act of Parliament, or any Bond taken for Country Dues, and no Bills of Exchange appearing protested; nor no other Failure to forfeit the said Bond, or where the said Certificate is returned into the Secretary's Office appointed for keeping the same, any of which Cases appearing to the Provincial Court, the said Attorney-General shall not only lose his Fees, but pay the Secretary's Fees, and what other Charges the Party hath been at in defending the same; to be adjudged by the Provincial Court.

In what Case the Attorney General shall have no Fees on Suit of Navigation Bonds, nor of Bonds for Country Dues.
In what Cases he shall not only lose his own, but pay the Secretary's Fees, and all the Defendant's Charges.

V. **And whereas** several Persons have been sued, in his Majesty's Name, for a certain Sum, without ever mentioning for what the said Bond was taken; so that the Persons do not know what Courses to take, or who to apply themselves to; **Be it Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That when any Writ is issued forth upon a Navigation Bond, taken in his Majesty's Name, it shall be endorsed on the Back-side as followeth; *For whom the Person was bound, and in what Year.* If a Sheriff's Bond, *at whose Request and Prayer it was sued*; or Bond taken in any of his Majesty's Offices, in this Province, it shall be endorsed, *at whose Request it was sued*; and for want of such Endorsement, the Writ shall abate, and the Party grieved shall recover his Costs against the Attorney that sued forth the said Writ.

Navigation, Sheriffs, and other Bonds (taken in his Majesty's Name) being put in Suit, shall be endorsed, and how, or the Writ shall abate, and the Attorney pay Costs.

VI. **And be it Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That whensoever the Grand-Jury, in their respective County Courts of this Province, shall make a Presentment of the Breach of any the Laws of this Province, save only the "*Act for speedy Trial of Criminals, and ascertaining their Punishment in the County Courts when prosecuted there,*" if the Party or Parties presented confess his or their Crime, and submit to the Court, then the Clerk of Indictments shall have One Hundred Pounds of Tobacco for his Fee, and no more: But if the Clerk of Indictments draws a Bill of Indictment upon the said Presentment, and the Party therein presented Traverses such Presentment, or Bill of Indictment; and puts himself upon the Country for Trial thereof, then the Clerk of the Indictments shall have Two Hundred Pounds of Tobacco for his Fee, and no more.

If the Party presented, (except on *ch.* 26, of this Session) submits, the Clerk of Indictments shall have only 100 lb Tobacco for his Fee.
In case of Traverse and Trial, he shall have 200 lb Tobacco.

CHAP. XLVIII. Attorney's Fees in the ſeveral Courts limited.

County Court.

VII. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That from and after the End of this preſent Seſſion of Aſſembly, there ſhall be paid to any Attorney or other Perſon practiſing the Law in any of the County Courts of this Province, for bringing, proſecuting, or defending any Action, of what Nature or Quality ſoever, to final Judgment, Agreement, or other End thereof, the Sum of One Hundred Pounds of Tobacco; unleſs the principal Debt and Damage, or Balance of any Debt and Damages ſued for and recovered, do exceed the Sum of Two Thouſand Pounds of Tobacco, or Ten Pounds Sterling; that then the ſaid Attorney ſhall have Two Hundred Pounds of Tobacco, and no more: And to any Attorney, or other Perſon, practiſing the Law in the Provincial Court, High-Court of Chancery, Commiſſary's Court, Court of Vice Admiralty, or for proſecuting or defending any Appeals, Writs of Error, or any other Matter or Thing whatſoever, before his Excellency the Governor and Council, the ſeveral Sums hereafter expreſſed and ſet down, *(That is to ſay,)* For Proſecuting or Defending any

Provincial Court.

Cauſe, Plaint or Action, of what Nature ſoever, in the Provincial Court, to final Judgment, Agreement, or other End thereof, the Sum of Four Hundred Pounds of Tobacco, and no more: For any Fee in the High-Court of

Chancery, and Vice-Admiralty.

Chancery, and Court of Vice-Admiralty, Six Hundred Pounds of Tobacco, and no more: For any Fee in the Commiſſary's Court, Four Hundred Pounds

Commiſſary's Court.

of Tobacco, and no more: For any Fee upon any Writ of Error, or Appeal

Court of Appeals.

which ſhall be before his Excellency the Governor and Council, Six Hundred Pounds of Tobacco, and no more: And to his Majeſty's Attorney-General,

Attorney General's Fee on Indictments, &c.

for any Action in the Provincial Court, at the Suit of his Majeſty, Indictment, Preſentment, or Information, the Sum of Four Hundred Pounds of Tobacco, and no more; any Law, Statute or Cuſtom to the contrary in any wiſe notwithſtanding.

Attorneys demanding or taking more, to be incapable of practiſing for the future.

VIII. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That if any Attorney, or other Perſon, practiſing the Law in any of the aforeſaid Courts, do preſume to aſk, receive, take or demand, any greater or larger Fee than before by this Act appointed, and be thereof legally convicted, he ſhall be uncapable to practice the Law in any Court of this Province for the future.

Specialties taken by Attorneys, or County Clerks to be endorſed, &c.

IX. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That all Bills, Bonds, or other Specialties, taken by any Attorney, or other Perſon practiſing the Law in any of the aforeſaid Courts, or any Bills, Bonds, or other Specialties, taken by any of the Clerks of any County Court of this Province, from and after the End of this Seſſion of Aſſembly, ſhall be endorſed on the Back-ſide thereof, *For what Matter, or how the ſame did become due:* And for Default thereof, all ſuch Bills, Bonds and Specialties ſhall

otherwiſe ſhall be void.

be void; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Attorney's Fees to be on Execution.

X. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That the Fee and Fees herein before allowed to be taken by any Attorney, or other Perſon practiſing the Law in any of the aforeſaid Courts, ſhall be levied by way of Execution, in ſuch Manner and Form as other Officers Fees are or have been levied; and all and every the Sheriffs of the ſeveral Counties of this Province are hereby obliged, authorized and impowered, to levy and execute the ſame accordingly; any Law, Statute or Cuſtom to the contrary notwithſtanding.

No Clerks ſhall deliver any Blank Writs to Attorneys, &c. on Penalty of 6000 lb Tobacco.

XI. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That no Clerks of any Courts within this Province, ſhall, after the End of this preſent Seſſion of Aſſembly, deliver to any Attorney, Sheriff, or other Perſon, any Blank Writ or Writs whatſoever, on Penalty of Six Thouſand Pounds of Tobacco; one Half to his Majeſty, his Heirs and Succeſſors, toward

ward the Support of Government in this Province, the other Half to the Informer, or him or them that shall sue for the same; to be recovered by Action of Debt, wherein no Essoin, Protection or Wager of Law to be allowed. CHAP. XLVIII.

XII. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That from and after the End of this present Session of Assembly, no Attorney, or other Person whatsoever, shall practice the Law in any of the Courts of this Province, without being admitted thereto by the Justices of the several Courts, who are hereby impowered to admit and suspend them *(salvo Jure Coronæ)* until his Majesty's Pleasure shall be known therein. But any Attorney, or any other Person practising the Law in this Province, or the Plaintiff that shall sue in any County Court where he does not reside, shall be obliged to give Security for the Payment of all the Officers Fees that shall accrue upon any Suit by him to be commenced, either at the Time of the issuing of the Writ in the Action, or during the Continuance of the Court to which such Writ shall be returned, on Pain of paying such Fees himself, or suffering his Client to be Non-suited, in Default of such Security to be given, or of such Attorney signifying his Intention to pay such Fees; any Law, Statute, Usage, Custom, Rule of Court, or Order from any Persons to the contrary notwithstanding.

Power of the Courts to admit or suspend Attorneys, &c. *Salvo Jure Coronæ.* Security for Fees shall be given by Plaintiffs who reside in any other County than where they sue.

XIII. **Provided always,** That nothing in this Act shall extend, or be construed to extend, to give Right to any Courts of this Province to admit any Attorney, or other Person practising the Law, to practice in any Court, that has been already refused so to do by his Excellency, and his Majesty's Honourable Council; nor to any Person that shall not qualify himself by taking the Oaths appointed to be taken by Act of Parliament made in the Sixth Year of the Reign of her late Majesty of pious Memory, entitled, *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of* Great-Britain *in the Protestant Line.*

But Courts shall not admit any to practice as Attorneys who have been refused by the Governor and Council, or who shall refuse to take the Oaths.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XLIX.

An ACT declaring all Laws heretofore made, which have been re-enacted this Session of Assembly, to be repealed. *Lib.* LL. N° 4. *fol.* 280.

Passed 3d *June* 1715.

See the Explanatory Act of 1719, *ch.* 16; containing a particular List of the Laws hereby repealed.

WHEREAS sundry Laws of this Province have been re-enacted this present Session, many whereof are not particularly repealed by the Laws re-enacting them: Therefore for the better ascertaining what Laws are in Force, **It is hereby Declared and Enacted, and be it Enacted,** *by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That all such Laws, or Acts of Assembly heretofore made, which have been considered and re-enacted this present Session, be, and are hereby declared to be repealed, abrogated, null and void, to all Intents and Purposes whatsoever.

A General Repeal of all Acts heretofore made, which have been re-enacted this Session.

II. **Provided always,** That nothing in this Act shall be construed to extend to the Prejudice of any Action or Suit already commenced in any the Courts of this Province, but that the same shall and may be adjudged and determined in such Manner as if this Act had not passed.

Proviso with respect to Actions already commenced.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 17th Day of *July*, and ended the 10th Day of *Auguſt*, in the * Second Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1716, were Enacted the Laws following, *viz.*

* The Commiſſion to Governor *Hart*, from the Lords *Baltimore* and *Guilford*, is dated 30th *May*, 1715, as recorded in the Secretary's Office, *Lib.* T. P. *fol.* 350, which being the firſt Act of Proprietary Government, after its being reſtored by the Crown, the Year of his Lordſhip's Dominion is here dated accordingly.

JOHN HART, Eſq; Governor.

CHAP. I.

Paſſed 10th *Auguſt* 1716.

An ACT for repairing the Damages already ſuſtained in the Records of the Land, Secretary's, Commiſſary's, and County Court Offices; and for the Security of the ſame Records for the future. *Lib.* LL. N° 4. *fol.* 284.

Supplementary and other Acts relating to the Records are, 1722, *ch.* 14; 1742, *ch.* 10; 1747, *ch.* 3; and 1748, *ch.* 7.

Preamble, ſetting forth the bad State of the Records, &c.

WHEREAS upon a View and Enquiry into the Records of the Land, Secretary's, Commiſſary's, and County Court Offices of this Province, it appears, that ſundry Matters which have been Recorded therein, are entirely loſt, to the great Prejudice of thoſe concerned; and a great Part of ſuch as remain, are ſo very much worn and damnified, that without a ſpeedy Care is taken for their Amendment, it is like to prove of very ill and dangerous Conſequences to the Inhabitants of this Province in general, the moſt valuable Part of their Eſtates entirely depending thereon. And foraſmuch as the bad Circumſtances of the Records of the Land, Secretary's, and Commiſſary's Offices, are owing, as well to the Damages they ſuſtained by tranſporting them from *St. Mary's* to this City, as to the Negligence of the ſeveral Officers and Clerks that have hitherto been entruſted therewith, and the Want of good and ſufficient Books at firſt, they not being under any Obligation or Penalty to find ſuch Books, or to keep them in due Repair, notwithſtanding they have received the full Profits and Benefits of the ſeveral Offices they were entruſted with: For Remedy whereof for the future, and that the Records of the ſeveral Offices as aforeſaid, that ſtand in need of any Amendments and Reparations, may be ſpeedily and ſufficiently amended and repaired, in the beſt Manner that is poſſible, at the Charge of the Public, and reſpective Counties; and that after ſuch Reparations as aforeſaid, the ſeveral Officers and Clerks that ſhall from Time to Time be entruſted with any the ſeveral Records aforeſaid, and ſhall reap the Profits and Benefits of ſuch their Offices, be obliged to find good and ſufficient Books for the future, and look after and maintain the Record-Books committed to their Care, in ſuch Order and Reparation, from Time to Time, as they ſhall receive them.

Commiſſioners appointed to inſpect the Records in the Land,

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame*, That Lieutenant-Colonel *Samuel Young*, Mr. *Joſeph Hill*, Mr. *Benjamin Taſker*, and Mr. *John Beale*, or any

CHAP. I.

any Two or Three of them, be, are hereby authorized, empowered and appointed Commiſſioners to inſpect into the ſeveral Decays and Defects of all the Records of the Land, Secretary, and Commiſſary's Offices, and to judge of the neceſſary Amendments and Reparations thereof, and to employ ſuch Clerks, Book-binders, or other Perſons, as appear needful to them, for the compleating and perfecting the Amendments and Reparations they ſhall adjudge neceſſary; and to contract and agree on the Behalf of the Public, with all ſuch Perſons by them employed in that Service, on the beſt and eaſieſt Terms they can, for ſuch Sum or Sums of Tobacco as they ſhall adjudge the ſeveral Perſons for their ſeveral Services may deſerve, which Sums of Tobacco agreed on as aforeſaid, ſhall be paid by the Public to the ſeveral Perſons to whom the ſame become due.

Commiſſary's and Secretary's Offices, and to employ Clerks, &c.

III. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That after the Expiration of Three Months, which ſhall firſt happen after the Reparations and Amendment of the Records aforementioned are made, according to the Deſign of this Act, and the true Intent and Meaning of ſuch Agreement as ſhall be made by the Commiſſioners hereby authorized and required to make the ſame, it ſhall not be lawful for the Secretary, Commiſſary, their Deputies, Officers, or Under-Clerks, who ſhall have the keeping of the Land, Secretary's or Commiſſary's Records committed to them, to take upon themſelves the keeping of any of the ſaid Records, or to receive and apply to their Uſe any of the Fees, Profits or Benefits ariſing from their ſeveral Offices, until ſuch Secretary, or his Deputies, or Commiſſary-General, have entered into Bond, with two good and ſufficient Securities, in the Name of the Lord Proprietary, before two of the Juſtices of the Provincial Court *(That is to ſay,)* The [a] Secretary or his Deputies for the Land, Chancery and Provincial Records, in the Sum of One Thouſand Pounds Current Money; and the Commiſſary for the Records in the Commiſſary's Office, in the Sum of One Thouſand Pounds Current Money; all which Bonds ſhall be conditioned as follows, *viz.*

After which, the Secretary, Commiſſary, their Deputies, &c. ſhall not take upon themſelves the keeping of the ſaid Records, &c. before entering into Bond with Sureties.

[a] By 1742, *ch.* 10, §. 2, the Secretary's Bond for the Provincial Office, ſhall be for 3000 *l.* Current Money; the Regiſter in Chancery 1000 *l.* the Commiſſary-General for the Commiſſary's Office 3000 *l.* the Regiſter of the Land-Office 3000 *l.* Currency.

" *The Condition of this above-written Obligation is ſuch, That if the above* Condition of the Bond.
" *Bound whilſt he ſhall continue in the Office of ſhall at his*
" *own proper Coſt and Charge, find a Supply of good and ſufficient Record-Books,*
" *neceſſary for the entering up of all Matters and Things relating to ſuch*
" *Office, and ſhall duly and carefully look after, preſerve and maintain all the ſe-*
" *veral Books of Records now being and remaining in the ſaid Office, as alſo thoſe*
" *that from Time to Time ſhall be added thereto, in ſuch Manner, as that when*
" *ſhall be diſmiſſed from officiating longer in the ſaid Office, ſhall deli-*
" *ver all the aforeſaid Records to the next Perſon that ſucceeds in the ſaid Office,*
" *in good Order and Repair, according to the true Intent and Meaning of the Act*
" *of Aſſembly, in that Caſe made and provided: That then the above-written*
" *Obligation is to be void and of no Effect, otherwiſe to remain in full Force and*
" *Virtue in Law.*"

The which Bond being ſo entered into, and taken by Two Juſtices of the Provincial Court as aforeſaid, they ſhall immediately call before them, the Witneſſes to ſaid Bond or Bonds, and cauſe a Probate thereof to be made before them, which they ſhall endorſe, or cauſe to be endorſed on the Back of the ſaid Bond or Bonds, with Order immediately to enter the ſaid Bond with the Endorſement, in the Provincial Land Records, which ſhall be immediately performed by the proper Clerk; and after ſuch Entry upon Record, the original Bond is to be immediately lodged with the Clerk of the Council, in the Council Office, who is hereby required to take Charge of the ſame; and that an atteſted Copy of the ſaid Bond, from the ſaid Provincial Records, ſhall be as good Evidence in Law, to maintain any Action of Debt to be brough[t]

The Witneſſes to make Probate of ſuch Bond, which ſhall be endorſed and recorded together with the Bond.

An atteſted Copy ſhall be good Evidence.

CHAP. I.

brought for the Breach of the Condition thereof, to all Intents and Purpoſes, as if the original Bond were actually produced in ſuch Caſe.

For the Condition of the Bond, as now required, ſee 1742, *ch.* 10, §. 2.

If the Provincial Court diſapprove of the Sureties, new Bonds ſhall be given.

IV. **Provided,** That although ſuch Officers have entered into Bonds, with Sureties as aforeſaid, the entering into ſuch Bonds ſhall not be deemed a Compliance with the Directions of this Act, at any Time after the Sufficiency of ſuch Sureties ſhall be diſapproved of by the Juſtices of the Provincial Court, in Court ſitting; but that in caſe of ſuch Diſapprobation, the Officer or Officers aforeſaid, ſhall be obliged to enter into new Bond, in Form aforeſaid, with ſuch Sureties as the ſaid Provincial Court ſhall approve of.

Any Perſon may ſue ſuch Bonds without formal Aſſignment.

V. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That it ſhall and may be lawful for any Perſon whatſoever, to put ſuch Bond or Bonds in Suit, for any particular Breach thereof, to their reſpective Damage, without any formal Aſſignment of ſuch Bond; and in caſe of Recovery, ſhall have the Damages to be aſſeſſed by a Jury awarded them, by the Court before whom ſuch Recovery ſhall be had, out of the Penalty of ſuch Bond: But in caſe of a Non-ſuit, ſhall ſatisfy the Defendant his full Coſt of Suit, to be adjudged him againſt ſuch Proſecutor, whoſe Name ſhall be always be endorſed on the Back of the firſt Proceſs that ſhall be ſerved on ſuch Defendant, and be in ſuch Endorſement termed the Proſecutor. And in caſe the Lower Houſe of Aſſembly, or the Juſtices of the Provincial Court, ſhall at any Time find Cauſe to put in Suit the Bond or Bonds taken for Security of the Records aforeſaid, the Order or Direction of the ſaid Lower Houſe of Aſſembly, or of the Juſtices of the Provincial Court aforeſaid, ſhall be ſufficient to oblige the Attorney-General, for the Time being, to ſue ſuch Bond, in his Lordſhip's Name, for the ſecuring the Public from all Charges and Expences that ſhall be neceſſary for the putting or preſerving the aforementioned Records in Repair, according to the true Intent and Meaning of this Act.

But on Non-ſuit ſhall pay Coſts.

An Order of the Lower Houſe, or Provincial Court, ſhall oblige the Attorney-General to ſue ſuch Bonds for the Security of the Public.

The ſeveral County Courts impowered to inſpect and repair their County Records at the County Charge.

VI. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That the Commiſſioners for the Time being, of the ſeveral County Courts within this Province, are hereby authorized and impowered to inſpect their reſpective Record-Books, and to judge what Reparations they ſhall think needful; which Reparations and Amendments, if any they ſhall adjudge neceſſary, they ſhall with all convenient Speed cauſe to be made; and agree with ſuch Perſon or Perſons as they think moſt capable to perform the ſame, upon the beſt and eaſieſt Terms they can (on Behalf of their reſpective Counties) in Tobacco; which Tobacco the Perſons employed, performing and finiſhing the Reparations and Amendments aforeſaid, ſhall be allowed in their ſeveral and reſpective County Levies. And after ſuch Reparations made, where wanted, or after Inſpection as aforeſaid, where no Reparation is thought neceſſary, it ſhall not thence forward be lawful for the Clerks of the ſeveral and reſpective County Courts to receive or apply to their Uſe any of the Fees and Profits ariſing from their Office, until they have entered into Bond before the County Court, with Two ſufficient Sureties, to be taken in his Lordſhip's Name, in the [b] Sum of Two Hundred Pounds Current Money, with Condition, as above in this Law is already expreſſed; which Bond ſhall be immediately proved in ſuch Manner as above expreſſed, before the ſaid Court, or any Two Juſtices thereof, who ſhall cauſe the ſame immediately to be entered by the Clerk in the County Records for Conveyances of Land, and the original Bond ſhall be lodged in the Council Office as aforeſaid, and that a true atteſted Copy of ſaid Bond ſhall be good Evidence in Law, in all ſuch Caſes as in this Law is already above expreſſed; the ſame Bond to be put in Suit as aboveſaid, with Damages and Coſts, to be recovered on any ſuch Breach as aboveſaid, in caſe of Recovery; and in caſe of Non-ſuit, the Coſts to be adjudged againſt the Proſecutor as aforeſaid, and the Proſecutor's Name to be endorſed on the Back of the firſt Proceſs as aforeſaid.

After which no County Clerk ſhall receive any Fees of Office, *&c.* till he enter into the like Bond,

which ſhall be proved, recorded, *&c.* and an atteſted Copy to be good Evidence.

Such Bonds may be ſued as aboveſaid, *&c.*

And

And also such Bond to be put in Suit by the Order of such County Court, as often as it shall be found necessary for the Indemnity of the County. CHAP. I.

[b] By 1742, *ch.* 10, §. 2, the Security given by each County Clerk shall be for the Sum of 1000*l.* Current Money.

VII. **Provided**, That neither the Public, nor any County, shall be burthened with any Costs of Non-suit, where they shall happen to be Prosecutors. But the Public, &c. shall not be liable to Costs.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

A Supplementary Act to the [c] *Act for killing Wolves, Crows, and Squirrels.* Passed 10th *August* 1716. *Lib.* LL. N° 4. *fol.* 288. *REP. by* 1723, *ch.* 5.

[c] 1713, *ch.* 13, which was repealed by 1728, *ch.* 7.

CHAP. III.

An ACT for transferring the Payment of all such Fines and Forfeitures, as shall hereafter arise or happen upon the Breach of any the Penal Laws of this Province, to the Right Honourable the Lord Proprietor. *Lib.* LL. N° 4. *fol.* 289. Ditto.

WHEREAS his most gracious Majesty King GEORGE, has been pleased to restore to the Right Honourable the Lord Proprietor of this Province, the Government thereof, whereby all the Fines, Penalties and Forfeitures that shall hereafter happen, and are by the several Acts of Assembly of this Province now in Force, made payable to our Sovereign Lord the King, his Heirs or Successors, ought to be made payable to the Right Honourable the Lord Proprietor of this Province. And whereas the said Laws have all lately been Re-enacted and Revised with great Care, and at the vast Expence of this Province, and are found to be beneficial, and much conducing to the Peace and Welfare thereof; to the End that all unnecessary Charges may be avoided, it is humbly prayed that it may be Enacted, Preamble.

II. **And be it Enacted**, *by his Lordship the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same*, That where by any the Laws of this Province, any Fines, Penalties or Forfeitures are made payable to, or recoverable by the King's Majesty, or in his Name, to any the Uses in the same Laws expressed, all such Fines, Forfeitures, or Penalties, shall henceforward be payable to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, and be recoverable by him or them, or in his or their Name, to the same Uses as by those Laws are expres'd; any Law, Statute, Usage or Custom to the contrary notwithstanding. All Fines, &c. made payable to the Crown, shall be henceforward payable, &c. to the Lord Proprietary to the Uses therein expressed.

III. **Provided nevertheless**, That it be always construed, understood and adjudged, that where any of the said Fines are directed by those Laws to be appropriated or applied towards the Support of Government, his Lordship's the Right Honourable the Lord Proprietary his Government of this Province, be thereby understood and none other. Fines to the Support of Government, shall be understood of his Lordship's Government.

IV. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That all manner of Suits, Indictments, Informations, or other Prosecutions that shall hereafter be made for any such Fines, Forfeitures or Penalties as aforesaid, wherein his Majesty's Name or Title ought to have been used, as a Party in such Prosecution, it shall be lawful instead thereof, to use the Name or Title of the Right Honourable the Lord Proprietor of this Province, or the Name or Title of his Lordship's Heirs or Successors, as fully and amply to all Intents, Constructions and Purposes whatsoever, as if such Name or Title of his said Lordship, or of his Heirs or Successors had been expresly In all Suits, Indictments, &c. on such Laws, the Name of his Lordship, &c. shall be used.

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expreſsly mentioned in ſuch Acts, inſtead of the Name or Title of our Sovereign Lord the King, his Heirs or Succeſſors; any Thing therein, or in any other Law to the contrary notwithſtanding.

And ſuch Alteration in Name, Stile or Title ſhall not be aſſignable for Error.

V. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That for any Suits, Indictments, or other Proſecutions, in the Name of his Lordſhip, or of his Heirs or Succeſſors, where, according to the preſent Form of thoſe Laws, ſuch Suits, Indictments or other Proſecutions ought to have been made or proſecuted in the Name of his preſent Majeſty, his Heirs or Succeſſors, ſuch Alteration or Difference of Name, Stile or Title in ſuch Suits, Indictments or other Proſecutions, from what is expreſs'd in the ſaid Laws, ſhall be no ways aſſigned or aſſignable for Error therein, or be any ways allowed or allowable as any Fault, Defect or Cauſe of Exception thereto, but that all ſuch Exceptions or pretended Faults, or Cauſes of Error, ſhall be and are hereby aided; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

Paſſed 10th *Auguſt* 1716.

An Act for confirming and making valid in Law, a Conveyance of Land made by Anthony Ivy, *and* Anne *his Wife, lately deceaſed, to* Richard Moore, *and* Edith *his Wife, of* Queen-Anne's *County.* *Lib.* LL. N° 4. *fol.* 291. *PR.*

CHAP. V.

Ditto.

An ACT for the better Security of the Peace and Safety of his Lordſhip's Government, and the Proteſtant Intereſt, within this Province. *Lib.* LL. N° 4. *fol.* 295.

Preamble.

WHEREAS it appears to have been the juſt Senſe of the Legiſlature of *Great-Britain,* for ſome Years paſt, that the Safety of his Majeſty's Royal Perſon and Government, the Continuance of the Monarchy of *Great-Britain,* the Preſervation of the Proteſtant Religion, the Maintainance of the Church, the Security of the ancient and undoubted Rights and Liberties, and the future Peace and Tranquility of the Kingdom, do, (under GOD,) entirely depend upon the good and wholeſome Laws heretofore made for the Limitation and Succeſſion of the Crown in the Proteſtant Line, and the ſecuring the Rights and Liberties of the Subject. And whereas the excluding all Perſons from a Share in the Judicial and Miniſterial Offices in that Government, which they would not oblige themſelves to defend, by taking the ſeveral Oaths therein directed, has been thought an effectual Step towards the obtaining the aforeſaid happy Ends:

II. **And whereas** this preſent General Aſſembly think themſelves indiſpenſably obliged to do their Part in ſecuring to his Lordſhip, (the Right Honourable the Lord Proprietary) and the good People of this Province, their Share in theſe ineſtimable Benefits, which are ſo vaſtly advantageous to *Great-Britain,* and conſequently agreeable to all the Dominions thereto belonging, but eſpecially to us who are under the immediate Government of a Proteſtant Lord Proprietor. And that nothing can be more effectual to ſecure to his Lordſhip the quiet and peaceable Enjoyment of his Government, than the eaſing the Minds of the People, by having their Religion, Liberty and Property ſecured, which has of late been daringly threatened by Perſons diſaffected to the Proteſtant Succeſſion, who have openly in Treaſonable Manner taken upon them to give the pretended Prince of *Wales,* the Title of King of *Great-Britain,* and drunk his Health as ſuch. And that no better Expedient can be found to obviate the wicked Deſigns and Expectations of ſuch diſaffected Perſons to our preſent happy Eſtabliſhment, than to act (as near as may be,) to the great Pattern which the *Britiſh* Legiſlature has ſet before us:

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us: In pursuance whereof, the Legislature of this Province, when under the more immediate Government of the Crown, *(to wit)* in the Year One Thousand Seven Hundred and Four, thought fit, by an Act then made to oblige all Persons who then had, or thereafter should have any Office or Place of Trust within this Province, to take the Oath, commonly called, the Oath of Abjuration; and for that the several Oaths directed to be taken by the Act made in the First Year of his present Majesty's Reign, for the Security of his Majesty's Person and Government, and the Succession of the Crown, *&c.* are by this present General Assembly thought equally necessary.

All Persons admitted to any Office, *&c.* shall take the following Oaths, *viz.*

III. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same,* That the following Oaths shall be administered to, and taken by, all Persons that already have, or hereafter shall be admitted to have or enjoy, any Office or Place of Trust within this Province, in Manner following,

Of Allegiance:

"I A. B. *do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King* GEORGE. So help me GOD."

Of Abhorrency:

"I A. B. *do swear, That I do from my Heart abhor, detest and abjure, as impious and heretical, that Damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within the Kingdom of* Great-Britain, *or any the Dominions thereto belonging.* So help me GOD."

Of Abjuration.

"I A. B. *do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before* GOD *and the World, That our Sovereign Lord King* GEORGE, *is lawful and rightfully King of the Realm of* Great-Britain, *and all other the Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, that the Person pretended to be Prince of* Wales, *during the Life of the late King* James, *and since his Decease, pretending to be, and taking upon himself the Stile and Title of King of* England, *by the Name of* James *the Third, or of* Scotland *by the Name of* James *the Eighth, or the Stile and Title of King of* Great-Britain, *hath not any Right or Title whatsoever to the Crown of the Realm of* Great-Britain, *or any other the Dominions thereto belonging. And I do renounce, refuse and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to his Majesty King* GEORGE, *and him will defend to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity; and I will do my utmost Endeavour to disclose and make known to his Majesty, and his Successors, all Treasons and traiterous Conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my Power, to support, maintain and defend, the Succession of the Crown against him the said* James, *and all other Persons whatsoever; which Succession, by an Act, entitled,* An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, *is and stands limited to the Princess* Sophia, *Electress and Dutchess Dowager of* Hanover, *and the Heirs of her Body, being* Protestants. *And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly and truly, upon the true Faith of a Christian.* So help me GOD."

CHAP. V.

and ſubſcribe the Oath of Abjuration, and The Teſt,

And that without the taking the aforementioned Oaths, and ſubſcribing the Oath of Abjuration, and making and ſubſcribing the Declaration following,

"I A. B. *do Declare, That I do Believe that there is not any Tranſubſtantiation* "*in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine,* "*at or after the Conſecration thereof, by any Perſon whatſoever;*"

Before ſome one of the Members of his Lordſhip's Honourable Council within this Province, for the Time being, or a Juſtice of the Provincial or County Courts, or before ſome Court of Record within this Province, (who are hereby authorized, impowered and required to adminiſter the ſame, if applied to,) no Perſon or Perſons whatſoever, ſhall be capable of holding, executing or enjoying any Office, Deputation or Truſt within this Province whatſoever. And in caſe any Perſon or Perſons whatſoever, ſhall preſume to execute or enjoy any ſuch Office, Deputation or Truſt, contrary to the true Intent and Meaning of this preſent Act, the Commiſſion, Deputation or Authority of ſuch Perſon or Perſons, is not only hereby declared to be utterly void, *ab Initio*, but alſo he or they ſo acting or offending, ſhall forfeit to his Lordſhip, the Right Honourable the Lord Proprietary of this Province, his Heirs and Succeſſors, Two Hundred and Fifty Pounds Sterling; one Half to be applied to the Uſe of Free-Schools within this Province, the other Half to the Informer, or to him or them that ſhall ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

or ſhall not be capable of holding any Office, &c.

Penalty on Perſons preſuming to execute any Office, &c. contrary to this Act.

Proviſo.

IV. **Provided always**, That no Perſon ſhall be liable to the Penalties of this Act, who ſhall comply therewith, when required by ſuch Court of Record, or other Perſons as have Power to adminiſter the Oaths aforeſaid, or who (if not required as aforeſaid) ſhall within Six Months from the End of this preſent General Aſſembly, voluntarily comply with the ſame.

A fair Tranſcript of the Oath of Abjuration and Teſt ſhall be kept by the Clerk of every Court, to be ſigned by Perſons qualifying in open Court.

The like Tranſcript to be kept by all Councillors, and Provincial or County Magiſtrates who adminiſter the ſame Oaths out of Court.

V. **And be it further Enacted**, *by the Authority aforeſaid*, That the Clerk of any Court of Record, where the Oaths and Declaration aforeſaid, ſhall be adminiſtered, taken, made and ſubſcribed as aforeſaid, in open Court, is hereby obliged, *ex Officio*, to keep a fair Tranſcript in his Office, of the Oath of Abjuration, and of the Declaration aforeſaid, to be ſubſcribed by any Perſon or Perſons taking the Oaths aforeſaid; and ſhall make an Entry in his Minutes and Record Books, of the Time when ſuch Perſon or Perſons was Sworn, and did ſubſcribe the Oath and Declaration aforeſaid, and what Office or Truſt they have, hold or enjoy, within this Province; and any of the Members of his Lordſhip's Honourable Council within this Province, Juſtices of the Provincial or County Courts, who ſhall adminiſter the ſame Oaths out of Court, are hereby likewiſe required to keep a fair Tranſcript of the Oath of Abjuration and Declaration aforeſaid, for every Perſon to ſubſcribe, that takes the Oath aforeſaid before them, and further ſhall certify, under their Hands, to the next County Court holden for the County where ſuch Magiſtrates inhabit, the Names of all Perſons by them ſworn, the Time when, and the Office or Place of Truſt they have, hold or enjoy; which Certificate the Juſtices of the reſpective County Courts ſhall cauſe to be entered by the Clerk of ſuch Court, *ex Officio*, in the County Records.

But ſuch Magiſtrates ſhall not be obliged to adminiſter the Oaths out of Court, except at their own Habitations.

VI. **Provided always**, That any Perſon or Perſons that ſhall apply themſelves to any of the Magiſtrates aforeſaid, out of Court, to have the Oaths aforeſaid adminiſtered to themſelves, for any Office or Place of Truſt as aforeſaid, be obliged to repair to the Dwelling Place or Habitation of ſuch Magiſtrate, where ſuch Magiſtrate ſhall only be obliged to adminiſter the ſame Oaths, and not elſewhere.

VII. **Provided alſo**, That nothing herein contained ſhall extend, or be conſtrued to extend, to the exempting of ſuch Perſons who ſhall take the Oaths,

Oaths, and make and ſubſcribe the Declaration aforeſaid, before one Magiſtrate as aforeſaid, according to the Directions of this Act, from being at any Time afterwards obliged to take the ſame Oaths, and make and ſubſcribe the Declaration aforeſaid, *de novo*, in any Court of Record within this Province; but that they ſhall, and are hereby obliged (if required) to take the ſame Oaths, and make and ſubſcribe the ſame Declaration in ſuch Court during the Sitting thereof, on Pain of incurring the Penalties aforementioned; which Oaths ſhall be adminiſtered, and a due Record thereof made by the Officers and Miniſters of ſuch Court, in Manner aforeſaid, without Fee or Reward for the ſame.

CHAP. V.

Perſons taking the Oaths, &c. out of Court, ſhall take and ſubſcribe the ſame, &c. *de novo*, if required, in Court.

VIII. **Provided likewiſe,** That nothing in this Act contained, ſhall extend, or be conſtrued to extend, in any wiſe to alter any Directions given by the Act *for Eſtabliſhment of Religious Worſhip within this Province*, as to the Manner of adminiſtering the Oaths thereby required to be taken, or the certifying thereof, ſo as the ſame Oaths be taken by the Perſons thereby required to take the ſame, according to the Directions of the aforementioned Act *for Eſtabliſhment of Religious Worſhip within this Province*.

This Act ſhall not alter the Manner of adminiſtering the Oaths to Veſtrymen, Churchwardens, &c.

IX. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That in caſe any Perſon who holds any Office or Truſt within this Province, and has taken the Oaths appointed by this Law, ſhall afterwards be preſent at any Popiſh Aſſembly, Conventicle or Meeting, and join with them in their Service at Maſs, or receive the Sacrament in that Communion, he ſhall not only forfeit his Office, and incur the Penalty in this Act limited, but alſo be incapable of taking, holding or executing any Commiſſion or Place of Truſt within this Province, until he ſhall be fully reconciled to the Church of *England*, and receive the Communion therein.

Penalty on Perſons in Office who have taken the Oaths, and are afterwards preſent at and join with any Popiſh Aſſembly, &c.

X. **Provided nevertheleſs,** That this preſent Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend to the Negociation or Management of the Lord Proprietary, his private Affairs, ſo as ſuch Negociation or Management ſhall not in any wiſe relate to the Affairs of the Government of this Province, or to any the Judicial or Miniſterial Offices thereon depending, or to the Collection of any Dues ariſing therefrom, or to any Office, Matter or Thing thereto relating.

This Act ſhall not extend to the Negociating his Lordſhip's private Affairs,

XI. **Provided alſo,** That nothing herein contained, ſhall extend, or be conſtrued to extend to the Exemption of any Perſon or Perſons whatſoever, from the taking the Oaths by this Act directed, who were obliged to take the Oaths appointed, or required by Law, before the making of this Act; any Thing in the Proviſo aforementioned to the contrary notwithſtanding.

nor to exempt any Perſons who were obliged to take the Oaths before this Act.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

An Act for laying the additional Duty of Four Pounds Current Money per Poll on all Iriſh *Servants, to prevent the importing too great a Number of* Iriſh *Papiſts into this Province; and Four Pounds Current Money per Poll, an additional Duty on all Negroes, for raiſing a Supply towards defraying the Public Charge of this Province.* *Lib.* LL. N° 4. *fol.* 300. *DISSENT.*

Paſſed 10th *Auguſt* 1716.

See the Letter of Diſſent from Lords *Baltimore* and *Guilford*, recorded in the Council Proceedings, *Anno* 1717, *fol.* 312.

CHAP. VII.

An Act repealing an Act, entitled, [a] *An Act againſt ſtriking ſundry Sorts of Fiſh within the Precincts of this Province.* *Lib.* LL. N° 4. *fol.* 301.

Ditto.

[a] 1712, *ch.* 11, hereby repealed.

CHAP. VIII.

Passed 10th August 1716. *An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent Cropping, Cutting and Defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents for the Term therein proposed; and for taking off the Three Pence per Hogshead formerly raised for the Public Charge.* *Lib.* LL. N° 4. *fol.* 302. *EXP.*

To be in Force till the 29th *September* 1720. But a new Act was made under the same Title, 1717, *ch.* 7; whereby this Act was then superseded.

CHAP. IX.

Ditto. *An Act for confirming and making valid in Law a Conveyance of Land made by* Anthony Ivy *and* Anne *his Wife, lately deceased, to* John Alla, *of* Queen-Anne's *County.* *Lib.* LL. N° 4. *fol.* 311. *PR.*

CHAP. X.

Ditto. *An Act for confirming and making valid in Law, a Conveyance of Land made by* Anthony Ivy *and* Anne *his Wife, lately deceased, to* Thomas Davies *and* John Davies, *the Sons of* John Davies, *late of* Queen-Anne's *County, deceased.* *Lib.* LL. N° 4. *fol.* 316. *PR.*

CHAP. XI.

Ditto. **An ACT directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies; and for ascertaining the Expences of the Councillors, Delegates of Assembly, and Commissioners of the Provincial and County Courts of this Province.** *Lib.* LL. N° 4. *fol.* 321.

Supplementary Act 1718, *ch.* 1. See also 1724, *ch.* 18.

Preamble. FORASMUCH as the chiefest and only Foundation and Support of any Kingdom, State, or Common-wealth, is the providing, establishing and enacting good and wholesome Laws, for the good Rule and Government thereof, and also upon any necessary and emergent Occasion, to raise and levy Money for defraying the Charge of the said Government, and the Defence thereof, neither of which, according to the Constitution of this Province, can be made, ordained, established or raised, but by and with the Consent of the Freemen of this Province, by their several Delegates and Representatives by them freely nominated, chosen and elected to serve for their several Cities and Counties in a General Assembly.

II. And forasmuch as the safest and best Rule for this Province to follow, in electing such Delegates and Representatives, is the Precedents of the Proceedings in Parliaments in *Great-Britain*, as near as the Constitution of this Province will admit, the Governor, Upper and Lower Houses of this present General Assembly, do humbly pray that it may be Enacted,

Writs of Election shall be issued 40 Days at least, before the Meeting of the Assembly, in the following

III. And be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same,* That for the future, when and as often as his Excellency the Governor of this Province, for the Time being, shall, upon any Accident and urgent Affair of this Province, think fit to call and convene an Assembly, and to send out Writs for electing of Burgesses and Delegates to serve in such Assembly, such Writs shall issue forth Forty Days at least, before the Meeting of such Assembly; the Form of which Writs for Election of Delegates and Representatives, shall be as followeth,

" *CHARLES,*

CHAP. XI.

"CHARLES, *absolute Lord and Proprietary of the Provinces of* Mary-land *and* Avalon, *Lord Baron of* Baltimore, &c. *To the Sheriff of* County, *Greeting. These are to command, authorize and impower you, immediately upon Receipt hereof, to call together Three or more Justices of your County, whereof One to be of the* Quorum, *with the Clerk of the County Court, who are hereby required to sit as a Court, and during their Sitting, by virtue of your Office, to make, or cause to be made, public Proclamation, thereby giving Notice to all the Freemen of your said County, who have within the said County a Free-hold of Fifty Acres of Land, or who shall be Residents, and have a visible Estate of Forty Pounds Sterling at the least, thereby requiring them to appear at your County Court-House, at a certain Time, not less than Ten Days after such Proclamation made, for electing and choosing Deputies and Delegates to serve for your said County in a General Assembly, to be holden at the Day of to which Time you shall adjourn your said Court; and during the Court's Sitting, the said Freemen so required to appear, or the major Part of such of them as shall then appear, shall and may, and are hereby authorized and required to elect and choose Four several and sufficient Freemen of your County, each of them having a Free-hold of Fifty Acres of Land, or who shall be a Resident, and have a visible Estate of Forty Pounds Sterling at the least, within your County, whether the Parties so elected be present or absent, the said Election to be made in such Manner and Form as the Laws of* England *and this Province do direct and provide. And you are to insert the Names of the said Persons elected, in certain Indentures to be then made between you the said Sheriff, and the Electors,* (That is to say,) *Two Indentures for each Delegate, each Indenture having thereto your Hand and Seal, and the Hands and Seals of the several Electors by them subscribed, that the said Deputies and Delegates for themselves, and the County aforesaid, may have severally full and sufficient Power to do and consent to those Things, which then and there, by the Favour of GOD, shall happen to be ordained, by the Advice and Consent of the Great Council of this Province, concerning such Occasions and Affairs as shall relate to the Government, State and Defence thereof. But we will not in any wise that you, or any other Sheriff in our said Province be elected. And upon such Election, you the said Sheriff, so soon as conveniently may be, give Notice to the Parties elected, if absent, and certify and transmit to the Governor, or Keeper of the Great Seal of this Province, for the Time being, One of the Two several and respective Indentures, affixed to these Presents, close Sealed up, and directed to the Governor, or Keeper of the Great Seal of this Province, for the Time being, and the other Part of the said Indentures, you are to keep for your Justification. Witness,* &c."

Form.

IV. **And be it further Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That the aforesaid Four Delegates to be elected in the respective Counties within this Province, be and are hereby bound and obliged to attend at the Time and Place of the Meeting of such Assembly, without any further Writ or Summons to be to them sent, under the Penalty of such Fines as shall be by the Lower House of Assembly imposed on them, unless upon sufficient Excuse to be admitted by the Lower House of Assembly, their Absence be dispensed with; any Law, Usage or Custom to the contrary notwithstanding.

Delegates neglecting to attend, may be fined at the Pleasure of the Lower House.

V. **Provided also,** That no Ordinary-Keeper within this Province, during the Time of his Ordinary-keeping, or any other Person disabled by any Laws of *England* from sitting in Parliament, shall be elected, chosen, or serve as a Deputy or Representative in the said General Assembly, so to be hereafter called, convened and appointed, as aforesaid.

Ordinary-Keepers, &c. not capable of serving in the Assembly.

VI. **And be it further Enacted,** *by the Authority aforesaid,* That any Sheriff within this Province, who shall not give speedy Notice to the Inhabitants of his County, of the Time and Place where such Election shall be made, as well

CHAP. XI.

Penalty on Sheriffs not giving ſpeedy Notice of Elections, or making undue Election or Return thereof, &c.

well by Proclamation as aforeſaid, and by cauſing the ſame to be Read in all Churches, Chapels, and other Public Places within his ſaid County, as alſo by Notes thereof ſet up at ſuch Places, thereby the better to inform the Inhabitants of the County, requiring them, under the Penalty of One Hundred Pounds of Tobacco, to appear at ſuch Time and Place appointed for Election, or ſhall make or cauſe to be made, any undue or illegal Election or Returns thereof, or neglect to make Returns of the Delegates ſo to be elected, by Indenture, before the Day of Sitting of ſuch Aſſembly, purſuant to the Direction of the ſaid Writs, ſhall for every ſuch Fault be fined at the Diſcretion of the Lower Houſe of Aſſembly next Sitting after ſuch Election, not exceeding Two Hundred Pounds Sterling, one Half to the Right Honourable the Lord Proprietary, his Heirs and Succeſſors for the Support of Government, and the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province that may have Juriſdiction of the ſame, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Penalty on Free-holders neglecting to appear at the Time and Place of Election.

VII. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That all Free-holders, Free-men, and other Perſons qualified to give Votes in the Election of Delegates, ſhall and are hereby obliged to be and appear at the Time and Place appointed for Elections, to be hereafter had or made of any Delegates, Burgeſſes and Citizens, to ſerve in any Aſſembly for this Province, under the Penalty of One Hundred Pounds of Tobacco, for every Perſon ſo qualified as aforeſaid, neglecting to appear; one Half thereof to the Right Honourable the Lord Proprietary, his Heirs and Succeſſors, for and towards the County Charge, and the other Half to the Informer that ſhall complain to any one or more Juſtices or Magiſtrates, of ſuch Abſence; which Juſtice or Juſtices, or other Magiſtrates, are hereby impowered to determine ſuch Complaint, and award Execution for the ſaid Penalty; unleſs ſuch Perſon or Perſons ſhall at the next County Court after ſuch Election, ſhew ſufficient Cauſe for his or their Abſence, to be allowed and approved of by the Juſtices of the ſeveral County Courts in this Province.

The like Writ (on calling every General Aſſembly,) ſhall iſſue to every County, City or Borough hereafter to be erected, &c.

VIII. **Provided nevertheleſs,** That this Act or any Thing therein contained, ſhall not extend to be conſtrued to exclude any County or Counties, City or Cities, Borough or Boroughs hereafter to be erected and made within this Province, from the Liberty of ſuch Elections of Burgeſſes, Delegates and Repreſentatives, as is before expreſſed; but that ſuch Writ as aforeſaid, ſhall, upon calling every General Aſſembly of this Province for the future, be directed to the Sheriff of every ſuch County, City or Borough, when the ſame ſhall be erected and made into a County, City or Borough, as aforeſaid, and to the Mayor, Recorder and Aldermen, of every ſuch City or Borough, commanding ſuch Sheriff or Mayor, Recorder or Aldermen, to cauſe Four Free-men of the ſaid County, and Two Free-men of the ſaid City or Borough, qualified as in the aforeſaid Writ is expreſſed, to ſerve as Delegates and Repreſentatives of the ſame County, City or Borough, in the General Aſſembly next enſuing; which ſaid Four Delegates for every ſuch County, and Two for the City or Borough, ſhall from thenceforth be reputed and deemed to be Members of the Lower Houſe of the General Aſſembly of this Province; any Thing in this Act in any wiſe to the contrary notwithſtanding.

Four Delegates for each County, and two for each City or Borough, to be deemed Members of the Lower Houſe.

Allowance to Councillors 1500 lb Tobacco *per Diem.*

IX. **And** for the aſcertaining, limiting and allowing unto the ſeveral and reſpective Councillors, Deputies and Delegates, that ſerve, or ſhall ſerve in the General Aſſemblies of this Province, and of the ſeveral and reſpective Commiſſioners of the Provincial and County Courts of this Province, ſuch Sum and Sums of Tobacco as is hereby thought neceſſary and ſufficient for their defraying their Charges, in attending ſuch Aſſemblies and Courts, **Be it Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That all ſuch Councillors be allowed the Sum of One Hundred and Fifty Pounds

Pounds of Tobacco per Day, and the Delegates and Burgesses of Assembly shall be allowed the Sum of One Hundred and Forty Pounds of Tobacco per Day, during the Time they shall attend such Assemblies, and no more, (besides their itinerant Charges,) to be paid and allowed them out of the Public Levy of this Province: And the several and respective Commissioners of the Provincial Court, for the defraying their Charges and Expences, during the Time they shall sit in and attend such Courts, the Sum of One Hundred and Forty Pounds of Tobacco per Day, and no more, besides their itinerate Charges, to be paid them likewise out of the Public Levy of this Province as aforesaid. And the several Commissioners of the County Courts shall be allowed, for the defraying their Expences, during the Time they shall sit and attend such Court as aforesaid, the Sum of Eighty Pounds of Tobacco per Day, and no more, which Sum of Eighty Pounds of Tobacco as aforesaid, the Commissioners of the County Courts are hereby impowered to assess and levy on the Taxable Persons of the several Counties where such Commissioners shall serve as aforesaid, for the defraying the Expences aforesaid, and no more.

CHAP. XI.

To Members of the Lower House 140 lb Tobacco per Day, besides itinerant Charges. To Provincial Justices 140 lb per Day and itinerant Charges. To Justices of the County Courts 80 lb Tobacco per Day.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XII.

An Act for the Relief of Peter Sewell, *a languishing Prisoner in* Calvert *County*. *Lib.* LL. N° 4. *fol.* 325. *PR.* Passed 10th *August* 1716.

CHAP. XIII.

An Act impowering the surviving Executor of the Last Will and Testament of Robert Smith, *Esq; late of* Talbot *County, deceased, to sell Lands for the Payment of his Debts, and to make over other Lands, according to the Deceased's Will, which were sold by the Deceased, but never made over by him.* *Lib.* LL. N° 4. *fol.* 329. *PR.* Ditto.

CHAP. XIV.

An Act for Continuance of the Process within this Province on the Change of the Government from the Crown to the Right Honourable the Lord Proprietary; and for the Adjournment of several County Courts from August 1716. *Lib.* LL. N° 4. *fol.* 332. Ditto.

CHAP. XV.

An Act for confirming Three small Tracts of Land, lying in Anne-Arundel *County, to* Susannah Johnson, *her Heirs and Assigns for ever.* *Lib.* LL. N° 4. *fol.* 333. *PR.* Ditto.

CHAP. XVI.

An ACT to restrain the ill Practices used by Sheriffs in taking Goods by *Fieri facias*, and selling them by *Venditioni exponas*. *Lib.* LL. N° 4. *fol.* 335. Ditto.

WHEREAS many of the good People of this Province have of late been greatly damnified and abused in their Estates by Sheriffs, who upon Receipt of any *Fieri facias*, or Attachment issued out of the Courts of this Province, take, by virtue of such Writs, great Quantities of Goods, more than will satisfy the Debt, Damages and Costs in such Writs mentioned, and keep them a long Time in their Custody, under Pretence of Want of Buyers, whereupon it often happens upon the Return of the said Sheriffs, that Writs of *Venditioni exponas* are issued, commanding them to put the said Goods to Sale, which for the most Part hath been done privately, and Goods of great Value have not been sold for the Tenth Part of their Value, to the great Loss of both the Debtor and Creditor, and to the Ruin of some Families; for the Prevention whereof for the future, and to ascertain a Way and Method whereby the Sheriffs of this Province may securely act in Writs of the like Nature, more to the Benefit and Advantage of both Debtor and Creditor; Preamble.

CHAP. XVI.

Goods taken by the Sheriff on *Fieri facias*,

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, if any Writ of *Fieri facias* ſhall be delivered to any Sheriff of this Province, if the Defendant, where the Judgment is againſt him for his proper Debt or Coſt, will upon Oath ſhew all his Perſonal Eſtate, when thereto required, or where Judgment is rendered againſt him, as an Executor or Adminiſtrator, ſhew all the Perſonal Eſtate of the Deceaſed's in his Hands unadminiſtered, to the Sheriff or his Deputy, ſo that

how to be appraiſed,

ſuch Sheriff may levy ſuch Part thereof as the Creditor or Plaintiff, or his Attorney in Fact, or in Law ſhall direct, ſuch Sheriff ſhall within Three Days at furtheſt, cauſe ſuch Goods, ſo taken, to be appraiſed by Four ſubſtantial Free-holders of his County, Two of them to be named by the Plaintiff, or his Attorney at Law or in Fact, and Two by the Defendant, and who are neither of Kin to Plaintiff or Defendant, Creditor or Debtor, who upon their Oaths to be adminiſtered to them by the ſaid Sheriff, ſhall within Three Days, indifferently and juſtly Value and Appraiſe the ſaid Goods and Chattels, ſo taken in Execution; and the Sheriff ſhall thereupon give Notice

and Notice thereof given to the Creditor, who ſhall receive ſo much thereof in Satisfaction, as according to the Appraiſement ſhall amount to the Debt and Coſt.

to the Creditor, or his Attorney at Law or in Fact, of the Value of the ſaid Goods, and ſhall deliver ſo much of the ſaid Goods, as according to ſuch Appraiſement, will amount unto the Debt or Damage, and Coſt in ſuch Execution mentioned, to the Plaintiff, or his Attorney at Law or in Fact, in Diſcharge of ſuch Debt and Coſt; and the ſaid Plaintiff or Creditor is hereby obliged to take and accept the ſame at ſuch Appraiſement and Value as aforeſaid, in Satisfaction of ſo much of his Debt, Damage or Coſt, as ſuch Goods, according to Appraiſement, will amount unto. And if any Creditor or Plaintiff, or his Attorney in Fact, or Law, ſhall refuſe or deny to take and accept the ſame, according to ſuch Appraiſement, ſuch Sheriff is hereby authorized and impowered to retain in his Hands, at ſuch Plaintiff's or Creditor's proper Riſque, ſo much of the ſaid Goods as will ſatisfy the ſame Debt or Damage, with Coſts, for ſuch Plaintiff's or Creditor's Uſe, who ſhall pay to ſuch Sheriff all Coſts and Charges he ſhall be at in keeping and ſecuring ſuch Goods and Chattels; and the ſaid Plaintiff or Creditor ſhall have no other Action againſt ſuch Sheriff than only for ſuch Goods and Chattels, ſo taken and retained as aforeſaid, and ſuch Sheriff ſhall give a full and ſufficient Diſcharge to ſuch Debtor for ſo much of the Debt and Coſt, as ſuch Goods, by ſuch Appraiſement, ſhall amount unto; which ſhall be a ſufficient Bar againſt ſuch Plaintiff or Creditor, and perpetually bar and hinder him from taking out any other Execution againſt the Body, Goods or Chattels, Lands or Tenements of ſuch Debtor, whoſe Goods and Chattels as aforeſaid, have been taken in Execution as aforeſaid, for ſo much as ſuch Goods, by Appraiſement, ſhall amount unto; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Or on his Refuſal to accept the ſame, the Sheriff may retain ſuch Goods in his own Hands at the Riſque and Expence of the Creditor, and the Sheriff's Diſcharge to the Debtor for ſuch Amount, ſhall be a perpetual Bar againſt the Creditor.

Where either Party is abſent, the Sheriff may appoint Two Appraiſers in his Behalf.

III. **Provided always**, That in caſe the Plaintiff or Defendant are Non-Reſidents within the reſpective Counties wherein ſuch Writs ſhall be executed as aforeſaid, or have not left an Attorney at Law, or in Fact, who is a Reſident within the County, ſo that the Sheriff cannot conveniently give him or them Notice within Three Days after the ſerving ſuch Writs according to the Exigence of this Act, and who ſhall not be preſent at ſuch Time and Place of Appraiſement, or who, on Notice given, ſhall not think fit to be preſent at ſuch Time and Place, it ſhall and may be lawful for the Sheriff to chooſe Two ſufficient Free-holders, qualified as aforeſaid, on Part and Behalf of ſuch abſent Party, to the Ends aforeſaid. And in caſe that both Plaintiff and Defendant are likewiſe Non-Reſidents in ſuch County, and cannot conveniently have Notice as aforeſaid, nor ſhall be preſent thereat, that then ſuch Sheriff, ſhall be, and is hereby impowered, on Behalf of both Parties, to chooſe Four Appraiſers qualified as aforeſaid, to make ſuch Appraiſement as aforeſaid.

If both Parties be Non-Reſidents, or abſent, the Sheriff may chooſe Appraiſers for both.

IV. Pro-

IV. **Provided also**, That nothing in this Act contained, shall extend, or be construed to extend, to impower any Sheriff to levy by virtue of any *Fieri Facias*, for any Debt or Damage recovered against any Executor or Administrators, any Negro or other Slave, Plate or Jewels reserved in Favour of Orphans, by the Act *for better Administration of Justice in Probate of Wills and granting Administrations*, &c. but that the Sheriffs shall be, and are hereby obliged to follow the Directions of that Act, touching such Negroes and Slaves, Plate and Jewels; any thing in this Act to the contrary notwithstanding. CHAP. XVI. But no Slaves, Plate, or Jewels shall be seized in the Hands of an Executor, &c. contrary to the Act of 1715, *ch.* 39.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

An Act impowering a Committee to lay, assess, and apportion the Public Levy for this present Year Seventeen Hundred and Sixteen. Lib. LL. N° 4. *fol.* 338. Passed 10th *August* 1716.

CHAP. XVIII.

An Act to make firm and valid in Law, a Sale of Land made by Joseph Bridger, *Esq; late of the Colony of* Virginia, *deceased, to* Thomas Jones, *of* Somerset *County, deceased. Lib.* LL. N° 4. *fol.* 339. *PR.* Ditto.

CHAP. XIX.

An Act to confirm his Lordship's Acceptance of the Eighteen Pence per Hogshead, formerly raised *. *Lib.* LL. N° 4. *fol.* 344. Ditto.

* *Viz.* by 1715, *ch.* 9.

CHAP. XX.

An ACT permitting the Inhabitants of this Province, to sue out Writs when Plaintiffs, and appear and give Judgment when Defendants, in the several Courts thereof in their own proper Persons. *Lib.* LL. N° 4. *fol.* 345. Ditto,

FORASMUCH as it has been represented to this General Assembly, as a great Aggrievance, that the several Inhabitants of this Province are not permitted to sue out Writs when Plaintiffs, or to appear and confess Judgment, when Defendants, in the several Courts thereof; but are in some Courts obliged to employ Attorneys to do it for them, which creates an unnecessary Charge; Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That it shall and may be lawful for any Person or Persons whatsoever, within this Province, to order out Process in their own proper Names, without any Titling from an Attorney for the same, and the several and respective Clerks of the several Offices of the Provincial and County Courts of this Province, are hereby obliged upon Application to them made by any Person or Persons as aforesaid, to issue such Writs as shall be by them demanded, the Party or Parties suing out the same, if Non-Residents within this Province, securing to the Secretary, or the Clerks of the several County Courts, and all other Officers, their lawful Fees: And that any Person or Persons whatsoever, that shall hereafter be sued or impleaded in the Provincial Court, or any of the County Courts within this Province, shall and may in his or their own proper Persons come into Court, and after Special Bail by him or them given, if adjudged so to do, to appear and imparle 'till next Court, or to confess Judgment, to any Action or Actions, in any of the Courts aforesaid, commenced against him, her, or them; any Law, Statute or Custom to the contrary notwithstanding. Any Persons may order out Process in their own Names, without any Titling from an Attorney, the Parties, if Non-Residents, securing the Fees. Defendant may come into Court, in Person, and imparle, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXI.

Passed 10th *August* 1716.

An ACT for ſettling the Adminiſtration of the Government of this Province, in caſe of the Death or Abſence of his Lordſhip's Governor, for the Time being, till his Lordſhip's Pleaſure ſhall be farther known therein. *Lib.* LL. N° 4. *fol.* 346.

Preamble.

WHEREAS his Excellency *John Hart*, Eſq; our preſent Governor, (on Reflection of the many violent and dangerous Fits of Sickneſs he has been afflicted with, ſince his Arriving to the Government of this Province, eſpecially the laſt, from which he is not yet perfectly recovered,) has repreſented to this General Aſſembly, That the Right Honourable the Lord Proprietary of this Province, hath not ſent in any Inſtructions, or otherwiſe ſignified his Pleaſure, where the Power of this Government ſhall be lodged, in caſe of the Death or Abſence of his Lordſhip's Governor, for the Time being, either of which Accidents might involve the Inhabitants of this Province, not only in very confuſed Circumſtances, but manifeſtly endanger the Peace and Welfare thereof: This General Aſſembly do pray that it may be Enacted,

On Death or Abſence of the Governor, the Firſt Perſon named in his Lordſhip's Commiſſion to be of the Council, then living, *&c.* ſhall take upon him the Adminiſtration.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame,* That in caſe of the Death or Abſence of his Lordſhip's Governor, for the Time being, the Firſt Perſon named by the Right Honourable the Lord Proprietary, and in his Lordſhip's Commiſſion, to be of his Lordſhip's Honourable Council, for the Time being, then living, and actually reſiding in this Province, and upon his Death or Abſence, the next Perſon likewiſe named of his Lordſhip's ſaid Council, actually living and reſiding as aforeſaid, ſucceſſively, ſhall immediately take upon him the Adminiſtration of the Government of this Province, and ſhall, with the Advice and Conſent of his Lordſhip's Council, for the Time being, Execute all the Powers and Authorities which were or ſhall be given to ſuch Governor, in relation to the Government, until the Return of ſuch Governor, if abſent, or until his Lordſhip's Pleaſure ſhall be further known, or that he otherwiſe directs therein.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

1717. **At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 28th Day of *May*, in the Second Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 8th Day of *June* following, in the Third Year of his Lordſhip's Dominion, *Annoque Domini* 1717, were enacted the following Laws, *viz.***

JOHN HART, Eſq; Governor.

CHAP. I.

Paſſed 8th *June* 1717.

An Act for regulating of Ordinaries. *Lib.* LL. N° 4. *fol.* 348. *EXP.*

To be in Force till the 29th *September* 1720; continued by 1720, *ch.* 14; 1721, *ch.* 11; 1723, *ch.* 3; 1726, *ch.* 10; and expired in 1729.

CHAP.

CHAP. II.

A Supplementary ACT, to the * Act for Limitation of Officer's Fees. *Lib.* LL. N° 4. *fol.* 353.

Passed 8th June 1717.

* 1704. *ch.* 86; which Act was only Temporary, and expired in 1709, when a new Law was made: But this Act is without Limitation, and has no other Connexion with that of 1704, than in the Title.

WHEREAS ſeveral of the Inhabitants of this Province have complained, that the ſeveral and reſpective Officers within this Province, write their Accounts of Fees in ſuch ſhort abbreviated Words, that they cannot by any Means ſatisfy themſelves for what the ſaid Fees become due; for Prevention whereof for the future, Preamble.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, all the ſeveral and reſpective Officers within this Province, whoſe Fees are due upon Execution, ſhall and are, by virtue of this Act, obliged to draw out the Particulars of their Fees in a fair legible Hand, and the Words at full length; and on Failure thereof, ſuch Officer to loſe ſuch Fees, if expreſſed in Words cut off or abbreviated. And if any the Public Officers of this Province, having made out his Fees in abbreviated Words, contrary to the true Intent and Meaning of this Act, and ſhall inſiſt on the levying ſuch Fees as aforeſaid, ſhall be fined Five Hundred Pounds of Tobacco; one Half thereof to his Lordſhip the Lord Proprietor, to be applied to the Uſe of the Free-School in *Annapolis*, the other Half to the Informer, or to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province that can hold Plea of the ſame, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

All Officers to draw out the Particulars of their Fees in a fair Hand, and in Words at length.

Penalty on Officers making out their Fees contrary hereto.

III. **And be it hereby further Enacted and Declared,** *by the Authority, Advice and Conſent aforeſaid,* That the ſeveral Collectors and Naval Officers of this Province, within their ſeveral and reſpective Diſtricts, for the ſeveral Acts and Things relating to their Office, by him or them to be done, ſhall have and receive the Fees hereafter mentioned, and no more, *(That is to ſay,)* to the Collector for Entering and Clearing a Ship or Veſſel of One Hundred Tons or more, Twenty Shillings; for Entering and Clearing a Ship or Veſſel under One Hundred Tons, Ten Shillings; for a Permit, Two Shillings and Six-pence; for a Navigation Bond, Five Shillings; for a Certificate to diſcharge a Navigation Bond, Five Shillings; for every Oath adminiſtered, One Shilling; for a Certificate to export Goods out of the Province, Five Shillings; for Tranſmitting and Recording a Veſſel's Regiſter, Five Shillings: And to the Naval Officer for Entering and Clearing a Ship or Veſſel under One Hundred Tons, Ten Shillings; for Entering and Clearing a Ship above One Hundred Tons, Twenty Shillings; for a Permit, Two Shillings and Six-pence; for an Impoſt Bond, Five Shillings; for a Certificate of Goods imported, Five Shillings; for a Navigation Bond, Five Shillings; for every Oath made of Goods, One Shilling; for Recording and Tranſmitting a Ship's Regiſter, Five Shillings; for Filing and Proving a Certificate, and Diſcharging a Navigation Bond, Five Shillings; for Certificate to diſcharge Navigation Bond, Five Shillings, and no more: And the ſaid Collectors and Naval Officers, are hereby obliged to take but One Half of the Fees above expreſſed, for all Ships or Veſſels of what Burthen ſoever, that are either built or purchaſed by the Inhabitants of this Province, Provided the Owners of the ſaid Ships or Veſſels do all actually reſide in the ſame.

Collector's Fees.

Naval Officer's Fees.

But Half Fees only ſhall be taken for Country Bottoms.

IV. **And be it further Enacted,** That all and every the Collectors and Naval Officers of this Province, ſhall receive ſuch Fees as aforeſaid, and no more,

CHAP. II. Collectors and Naval Officers to put up Tables of Fees in their Offices.

and ſhall make a fair Table of their Fees, and put up in their ſeveral Offices, under the Penalty of Fifty Pounds Sterling, the One Half thereof to the Lord Proprietary, for the Support of his Lordſhip's Government, and the other Half to the Informer, or to him or them that ſhall ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

Paſſed 8th *June* 1717. *An Act for the Relief of* George Walls, *a languiſhing Priſoner in* Charles *County*, *Lib.* LL. N° 4. *fol.* 355. *PR.*

CHAP. IV.

Ditto. *An Act for the Adjournment of* Baltimore *and* Talbot *County Courts*. *Lib.* LL. N° 4. *fol.* 358.

CHAP. V.

Ditto. *An Act impowering a Committee to lay, aſſeſs and apportion the Public Levy for this preſent Year One Thouſand Seven Hundred and Seventeen*. *Lib.* LL. N° 4. *fol.* 359.

CHAP. VI.

Ditto. *An Act for building a Court-Houſe on* Long-Point, *on* Bohemia *Manor, and on the Eaſt Side of a Creek called* Broad-Creek, *on* Elk *River, in* Cæcil *County*. *Lib.* LL. N° 4. *fol.* 360.

CHAP. VII.

Ditto. *An Act aſcertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent Cropping, Cutting and Defacing Tobacco taken on board Ships or Veſſels upon Freight; and for laying Impoſitions on Tobacco per the Hogshead, for the Support of Government, and for the Encouraging Settlements in this Province by aſcertaining the Manner of paying his Lordſhip's Alienation Fines, and Quit-Rents, for the Term therein propoſed, and for taking off the three Pence per Hogshead formerly raiſed for the Public Charge*. *Lib.* LL. N° 4. *fol.* 361. *EXP.*

To be in Force till the 29th *September* 1720; continued 1720, *ch.* 9; 1721, *ch.* 3; 1723, *ch.* 2; 1726, *ch.* 4; 1729, *ch.* 5; farther continued in Part by 1730, *ch.* 7; and totally expired 29th *September* 1732.

CHAP. VIII.

Ditto. An ACT for Puniſhment of ſuch as ſhall Counterfeit the Lord Proprietary's Greater or Leſſer Seal at Arms within this Province. *Lib.* LL. N° 4. *fol.* 371.

Counterfeiting the Great Seal, or his Lordſhip's Sign Manual or Seal at Arms, or any Public Seals of the Province,

or ſtealing away, or affixing the true Seals without lawful Authority to any Deed, &c.

Penalty.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, any Perſon or Perſons whatſoever, that ſhall preſume to Counterfeit the Great Seal of this Province, for the Time being, or the Sign Manual or Seal at Arms of the Lord Proprietary of this Province, or any other the Public Seals of this Province, and ſhall within this Province make Uſe of any ſuch Counterfeit Seal or Sign Manual of the ſaid Lord Proprietary, or his Heirs, or any other the Public Seals of this Province, or ſhall Steal away any of the ſaid true Seals, or without lawful Warrant or Authority, ſhall falſely or corruptly, or with evil Intent affix any of them to any Deed, Warrant or Writing, and ſhall afterwards within this Province publiſh or make any Uſe of any ſuch Deed, Warrant or Writing, as if ſuch reſpective Seals had been affixed thereunto by ſuch lawful Warrant and Authority as aforeſaid, ſhall forfeit to the Right Honourable the Lord Proprietary and his Heirs, all his Goods and Chattels, Lands and Tenements whereof ſuch Offender ſhall be poſſeſs'd at the Time of committing the ſame Offence; the one Half thereof to be applied towards the Support of a Public School within the County where the Offence ſhall be committed, the

the other Half to the Informer, or him or them that ſhall ſue for the ſame, and ſhall be Whipped with Thirty-nine Laſhes on his bare Back, ſtand in the Pillory two whole Hours, and be Baniſhed the Province for ever. CHAP. VIII.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

A Supplementary Act to the Act for aſcertaining the Bounds of Land within this Province. Lib. LL. N° 4. *fol.* 372. Paſſed 8th *June* 1717.

REP.

This Act, together with the Original Act of 1715, *ch.* 45, were repealed by 1718, *ch.* 18, which his Lordſhip Diſſented to; but would otherwiſe have expired with the Original Act on the 1st *June* 1719.

CHAP. X.

An ACT for laying an additional Duty of Twenty Shillings Current Money per Poll on all *Iriſh* Servants, being Papiſts, to prevent the Growth of Popery by the Importation of too great Number of them into this Province; and alſo the additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raiſing a Fund for the Uſe of Public Schools within the ſeveral Counties of this Province. *Lib.* LL. N° 4. *fol.* 374. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of Twelve Months after the End of this General Aſſembly, all Maſters of Ships and Veſſels, or Others, importing *Iriſh* Servants, being Papiſts, into this Province, by Land or by Water, at the Time of their Entry, ſhall pay unto the Naval Officer for the Time being, belonging to ſuch Port or Place where they make their Entry, the additional Sum of Twenty Shillings Current Money, over and above the Twenty Shillings Sterling per Poll impoſed by a former Act of Aſſembly of this Province, for every *Iriſh* Servant ſo imported, on Penalty and Forfeiture of Five Pounds Current Money for every Servant that ſhall be by him or them concealed at the Time of his or their Entry as aforeſaid, the one Half thereof to be appropriated for defraying the Public Charge of this Province, the other Half to the Informer, or to him or them that ſhall ſue for the ſame; to be recovered in his Lordſhip's Name, in any Court of Record within this Province, that ſhall have Juriſdiction of the ſame, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

A Duty of 20 *s.* Currency per Poll, over and above the 20 *s.* Sterling impoſed by the Act of 1715, *ch.* 36, §. 7, laid on *Iriſh* Servants being Papiſts.

Penalty for concealing any ſuch Servant at the Time of Entry.

II. AND for the better Diſcovery of ſuch *Iriſh* Papiſts; BE IT FURTHER ENACTED, *by the Authority, Advice and Conſent aforeſaid,* That the Naval Officers for the Time being, belonging to the ſeveral and reſpective Diſtricts within this Province, be, and are hereby authorized, impowered and required to adminiſter to every ſuch *Iriſh* Servant, except Children under the Age of Fourteen Years, (to be adjudged at the Diſcretion of the Naval Officer) ſo imported as aforeſaid, the ſeveral Oaths appointed by Act of Aſſembly, and cauſe them to ſubſcribe the Oath of Abjuration and the Teſt; and all and every ſuch Servants that ſhall refuſe to take the Oaths, and ſign the Oath and Teſt as aforeſaid, (except before excepted) ſhall be and are hereby deemed and declared Papiſts, for whom the Owner or Importer ſhall be obliged to pay the additional Duty, as aforeſaid.

The Naval Officers ſhall adminiſter the Oaths, *&c.* to every ſuch *Iriſh* Servant, and ſuch as refuſe ſhall be deemed Papiſts.

III. AND BE IT FURTHER ENACTED, *by the Authority, Advice and Conſent aforeſaid,* That from and after the Time aforeſaid, for every Negro imported into this Province, either by Land or Water, the Importer or Importers of ſuch Negroes, ſhall pay unto the Naval Officer aforeſaid, the Sum of Twenty Shillings Current Money per Poll, over and above the Twenty Shillings Sterling

A Duty of 20 *s.* Currency per Poll, laid on all Negroes imported, over and above the 20 *s.* Sterling

CHAP. XIII imposed by 1715, ch. 36, §. 8. Penalty for Concealment.

ling per Poll, impoſed by a former Act of Aſſembly of this Province, on Penalty and Forfeiture of Five Pounds Current Money per Poll, for every Negro kept back or unaccounted for; to be recovered as aforeſaid, and applied to the Uſes aforeſaid.

To be applied to the Encouragement of one School in each County.

IV. **Which** ſaid Duties of Twenty Shillings Current Money per Poll, ſhall, for the Advancement of Learning, be applied towards the Encouragement of one Public School in every County within this Province, *(That is to ſay,)* one equal Share thereof towards the Support of each School, according to the Directions of ſuch Act or Acts of Aſſembly, as ſhall hereafter direct therein.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI.

Paſſed 8th *June* 1717.

An Act impowering John Oldham *of* Talbot *County, Gent. to erect and build a Wind-Mill in the Town and Port of* Oxford, *on the Town-Point, in* Talbot *County. Lib.* LL. N° 4. *fol.* 375. *PR.*

CHAP. XII.

Ditto.

An Act for the better Security of Mary Smithſon, *Widow, and Executrix of the Laſt Will and Teſtament of Colonel* Thomas Smithſon, *in the Payment of a Debt due from the ſaid Colonel* Smithſon's *Eſtate to the Free-Schools of* Maryland. *Lib.* LL. N° 4. *fol.* 376. *PR.*

CHAP. XIII.

Ditto.

A Supplementary ACT to the * Act relating to Servants and Slaves. *Lib.* LL. N° 4. *fol.* 377.

* 1715, ch. 44.

Preamble.

WHEREAS it may be of very dangerous Conſequence to admit and allow as Evidences in Law, in any of the Courts of Record, or before any Magiſtrate within this Province, any Negro, or Mulatto Slave, or Free Negro, or Mulatto born of a White Woman, during their Servitude appointed by Law, or any *Indian* Slave, or Free *Indian* Natives of this or the neighbouring Provinces:

No Slave, Free Negro, *Indian*, &c. ſhall be admitted Evidence where a Chriſtian White Perſon is concerned.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, no Negro, or Mulatto Slave, Free Negro, or Mulatto born of a White Woman, during his Time of Servitude by Law, or any *Indian* Slave, or Free *Indian* Natives of this or the neighbouring Provinces, be admitted and received as good and valid Evidence in Law, in any Matter or Thing whatſoever, depending before any Court of Record, or before any Magiſtrate within this Province, wherein any Chriſtian White Perſon is concerned.

Yet may be admitted as Evidence againſt one another;

but not to the loſs of Life or Member.

III. **Yet nevertheleſs,** where other ſufficient Evidence is wanting againſt any Negro, or Mulatto Slaves, Free Negro, or Mulatto born of a White Woman, during their Servitude by Law, or againſt any *Indian* Native of this or the neighbouring Provinces, in ſuch a Caſe the Teſtimony of any Negro, or Mulatto Slave, Free Negro, Mulatto born of a White Woman, or *Indian* Native of this or the neighbouring Provinces, may be heard and received as Evidence, according to the Diſcretion of the ſeveral Courts of Record, or Magiſtrate, before whom ſuch a Matter or Thing againſt ſuch Negro, Mulatto Slave, *&c.* ſhall depend; Provided ſuch Evidence or Teſtimony do not extend to the depriving them, or any of them, of Life or Member.

IV. **And whereas** it ſo often happens that Negro Slaves, *&c.* commit many heinous and capital Crimes, which are endeavoured to be ſmothered and concealed, or elſe ſuch Negroes, *&c.* are conveyed to ſome other Province, and

and sold by their Owners, who for the Sake of the Interest they have in their Lives and Services, suffer them to escape Justice; **Be it therefore Enacted**, *by and with the Authority, Advice and Consent aforesaid*, That if any Negro or Mulatto Slave, or Mulatto born of a White Woman, during the Time of his Service by Law, or *Indian* Slave, shall hereafter be convicted of any capital Crime, for which they shall suffer Death, the Court before whom they shall be convicted, shall immediately, upon such Conviction, Value such Negro, or Mulatto Slave, or Mulatto born of a White Woman, before the Expiration of their Service appointed by Law, in Tobacco, and * Three Fourths of their Value to be allowed in the Public Levy, to be paid to the Owner or Owners of such Negro, or Mulatto Slave, or Mulatto born of a White Woman.

CHAP. XIII.

Slaves, &c. on Conviction for capital Crimes shall be valued by the Court. See 1729, *ch.* 2.

* By 1737, *ch.* 2, §. 5 and 6, the whole Value of every Slave so convicted, shall be paid to the Owner by the Public Treasurer, on Certificate of the Sheriff. See also 1751, *ch.* 14, §. 7.

V. **And whereas** in the Law relating to Servants and Slaves, there is no Punishment or Penalties laid upon Negroes or Mulattoes intermarrying with any White Person; **Be it therefore Enacted**, *by and with the Authority, Advice and Consent aforesaid*, That if any Free Negro, or Mulatto, intermarry with any White Woman, or if any White Man shall intermarry with any Negro, or Mulatto Woman, such Negro or Mulatto shall become a Slave during Life, excepting Mulattoes born of White Women, who for such Intermarriage shall only become Servants for Seven Years, to be disposed of as the Justices of the County Court where such Marriage so happens, shall think fit, to be applied by them towards the Support of a Public School within the said County. And any White Man or White Woman, who shall intermarry as aforesaid, with any Negro, or Mulatto, such White Man or White Woman, shall become Servants during the Term of Seven Years, and shall be disposed of by the Justices as aforesaid, and be applied to the Uses aforesaid.

Penalty on Free Negroes, or Mulattoes intermarrying with White Persons; on Mulattoes, born of White Women; on White Persons intermarrying with Negroes or Mulattoes.

VI. **And further**, Whereas many Negro, *Indians*, and Mulatto Slaves, are often found guilty of Pilfering and Stealing, and other Misdemeanors, for which they either escape without Punishment, or else the Owners of such *Indian*, Negroes, or Mulattoes, are put to considerable Charge by bringing them to Trial, and receiving their Punishment for such Crime before the County Courts; **Be it Enacted**, *by and with the Authority, Advice and Consent aforesaid*, That whensoever any Negro, *Indian*, or Mulatto Slave, shall hereafter be charged with any Pilfering or Stealing, or any other Crime or Misdemeanors, whereof the County Court might have Cognizance, it shall and may be lawful for any one of the Justices of the Provincial or County Courts, upon Complaint made before him, to cause such Negro, *Indian*, or Mulatto Slave, so offending, to be brought immediately before him, or any other Justice of Peace for the County where such Offence is committed, who upon due Proof made against any such Negro, or Mulatto Slave, of any of the Crimes as aforesaid, such Justice is hereby authorized and impowered to award and cause to be inflicted, according to the Nature of the Crime, such Punishment by Whipping, as he shall think fit, not exceeding Forty Lashes.

Slaves may in case of Pilfering and Stealing, be punished by a single Magistrate.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIV.

An ACT for quieting Differences that may arise between the Inhabitants of this Province, and the several Nations of *Indians*, of what Places soever. *Lib.* LL. N° 4. *fol.* 379.

Passed 8th *June* 1717.

WHEREAS many Differences have and may hereafter arise and grow between the *English* and *Indians*, which for want of a speedy Way of determining the same, many great Charges and Illconveniencies have and may happen thereupon, by the said Controversies being brought from the remotest Parts of this Province, to be heard and determined before the

Preamble.

CHAP. XIV.

the Governor and Council, to the very great Trouble of the Perſons concerned, and the Public Charge: Which to prevent, and to give a ſpeedy Redreſs in all ſuch Matters;

Any ſingle Magiſtrate may determine Differences between the *Engliſh* and *Indians*, not exceeding 20 Shillings Sterling.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, any Juſtice of the Provincial or County Courts within this Province, be, and are hereby authorized and impowered, to hear and determine all Manner of Controverſies and Differences whatſoever, that ſhall or may hereafter happen or grow between the *Engliſh* and *Indians*, in private and perſonal Controverſies, not exceeding the Value of Twenty Shillings Sterling.

How to proceed where any Party refuſes to ſubmit.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That any of the Juſtices aforeſaid, be, and are hereby authorized and impowered, upon hearing and determining any ſuch Difference or Controverſy as aforeſaid, and Judgment thereupon given, either Party refuſing to perform the ſame, then and in every ſuch Caſe, the Juſtice ſo impowered as aforeſaid, ſhall by Way of Diſtreſs take into his Cuſtody any of the Goods and Chattels of the Offender, and out of the ſame make full Satisfaction to the Party wronged, at the Diſcretion of the ſaid Juſtice, and the Overplus to return to the Owner thereof.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XV.

Paſſed 8th *June* 1717.

An ACT for the Publication of Marriages, and to prevent unlawful Marriages. *Lib.* LL. N° 4. *fol.* 380.

The Banns of Marriage to be publiſhed in the Pariſh where the Woman reſides.

Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Perſons who deſire Marriage, ſhall apply themſelves to a Miniſter for the contracting thereof, and ſhall cauſe due Publication to be made, according to the Rubrick of the Church of *England*, of their Intent to marry, at ſome Church or Chapel of Eaſe belonging to the Pariſh wherein the Woman, ſo intended to be married, ſhall be reſident: And in caſe there be no Miniſter, Curate or Reader in ſuch Pariſh, an Advertiſement or public Notification of ſuch intended Marriage, ſhall be ſet up at the Court-houſe Door of the County where ſuch Marriage ſhall be intended, there to remain for the Space of Three Weeks at the leaſt, of which Advertiſement put up as aforeſaid, the Clerk of the County Court, where ſuch Advertiſement ſhall be ſo put up, ſhall make a Certificate under his Hand, and the Seal of the County; and that it ſhall and may be lawful after ſuch Publication, and Certificate thereof had, for any Miniſter, duly qualified, to join together in Matrimony, any ſuch Perſons ſo Publiſhed, according to the Liturgy of the Church of *England*; ſaving to the Miniſter of the reſpective Pariſhes, where ſuch Publication ſhall be made, their juſt Dues for ſuch Marriages.

How Publication may be made where there is no Miniſter or Reader.

Penalty on Perſons marrying without Publication, *&c.* or Licence from the Governor, and on the Miniſter.

II. **And** if any Perſon ſhall preſume to contract Marriage, without ſuch Publication, and Certificate thereof had as aforeſaid, or without particular Licence from the Governor, for the Time being, do privately contract Marriage, every Man ſo contracted or married, ſhall be liable to a Fine of Five Thouſand Pounds of Tobacco; and every ſuch Miniſter joining in Marriage any Perſons without Publication or Licence, or any ways infringing this Act, ſhall be liable to a Fine of Five Thouſand Pounds of Tobacco; one Half of the ſaid Fines to the Lord Proprietary, his Heirs and Succeſſors, for the Support of Government of this Province, the other Half to the Informer; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law to be allowed.

III. **And**

III. And for the more effectually avoiding secret and clandestine Marriages; Be it Enacted, *by the Authority, Advice and Consent aforesaid*, That any Person or Persons resident in this Province, who shall get their Marriage solemnized in any the neighbouring Colonies, during such their Residence in this Province, unless where the Woman so married shall be Resident of that Place where such Marriage shall be solemnized, the Man so married shall be liable to the Fine of Five Thousand Pounds of Tobacco; to be recovered as aforesaid, to the Use aforesaid. CHAP. XV. Penalty on Persons getting their Marriage solemnized in any neighbouring Colony.

IV. And for ascertaining to the Minister a Fee for Marriages, in other Cases than the Act for Establishment of Religious Worship provides for; Be it Enacted, That in case any Persons married by Licence, and that shall be married in the Parish Church or Chapel of Ease, or come to such Minister's House to be Married, there shall be paid as a Fee, by the Persons to be Married, for such Marriage, the Sum of Ten Shillings and no more: And in case of Publication of Banns, the Persons so to be Married shall come to the Minister's Dwelling-House to be Married, there shall be paid to the Minister as a Fee for such Marriage, One Hundred Pounds of Tobacco, or Six Shillings and Eight-pence Current Money, ready Pay, and no more. And it is hereby Declared, That whenever any Fee is allowed for Marrying Persons whose Banns are Publish'd, such Fee shall be taken as a full Fee for the Publication of the Banns, as well as for the Solemnization of such Marriage. Minister's Fee for Marriages.

V. Provided, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to any Persons of Persuasions in Religion different from that of the Church of *England*; but that all such Persons, and the Manner of their Proceedings in Marriage, may intirely remain unaltered by this Act, and in the same Circumstance, as if this Act had never been made; any thing therein before to the contrary notwithstanding. This Act shall not extend to Persons of different Persuasions from the Church of *England*.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 22d Day of *April*, and ended the 10th Day of *May*, in the 3d Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1718, were Enacted the Laws following, *viz.* 1718.

JOHN HART, Esq; Governor.

CHAP. I.

A Supplementary ACT to the * Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies, &c. *Lib.* LL. N° 4. *fol.* 383. Passed 10th *May* 1718.

* 1716, *ch.* 11. See an explanatory Act 1724, *ch.* 18.

WHEREAS there has been some Doubts concerning the issuing of Writs of Election, and the Time for Elections, upon the Death or Removal of any of the Delegates within the several Counties of this Province, and City of *Annapolis*, during the Being or Sitting of any Session of Assembly; for the removing whereof for the future, Preamble.

CHAP. I.

On Death or Removal of a Member, the Writ of Election ſhall iſſue on the Speaker's Warrant.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of this preſent General Aſſembly, and the Authority of the ſame*, That whenſoever any Vacancy ſhall happen by the Death or Removal of any Member of the Lower Houſe of Aſſembly, Writs of Election ſhall immediately iſſue, upon the Honourable Speaker, for the Time being, his iſſuing his Warrant to the Secretary to prepare ſuch Writ or Writs, directed to the ſeveral Perſons or Bodies Politic, to whom the Execution of ſuch Writ or Writs ſhall belong, who are hereby authorized and impowered immediately to proceed to the Execution of ſuch Writ or Writs, according to the Directions of the aforementioned Law, without any Regard had to the Space of Time betwixt the Teſt and Return of ſuch Writ or Writs, ſo as public Notice be given of the Election in a County, according to the Directions of the ſaid Law; and Four Days Notice of the Election, in each City or Borough.

All profeſſed Papiſts are declared incapable of Voting, unleſs they firſt qualify by taking the Oaths, &c.

III. **And** whereas notwithſtanding all the Meaſures that have been hitherto taken for preventing the Growth of Popery within this Province, it is very obvious, that not only profeſt Papiſts ſtill multiply and increaſe in Number, but that there are alſo too great Numbers of others that adhere to and eſpouſe their Intereſt, in Oppoſition to the Proteſtant Eſtabliſhment: And being under juſt Apprehenſions (from what Steps they have already taken) that if Papiſts ſhould continue to be allowed their Vote in electing of Delegates, they, with their Adherents, and thoſe under their Influence, will make ſuch a Party at the Elections of many of the Counties within this Province, as well as the City of *Annapolis*, as to determine the Choice in ſome of their great Favourites and Adherents, which if they ſhould accompliſh, how much it would tend to the Diſcouragement and Diſturbance of his Lordſhip's Proteſtant Government, is not eaſy to imagine: It is therefore humbly prayed, that it may be Enacted; **And be it Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That all profeſt Papiſts whatſoever, be (and are hereby Declared) uncapable of giving their Vote in any Election of a Delegate or Delegates within this Province, either for Counties, Cities or Boroughs, unleſs they firſt qualify themſelves for ſo doing, by taking the ſeveral Oaths appointed to be taken by an Act of Aſſembly of this Province, entitled, *An Act for the better Security of the Peace and Safety of his Lordſhip's Government, and the Proteſtant Intereſt within this Province*, and ſubſcribe the Oath of Abjuration and Declaration therein mentioned.

Sheriffs, &c. may tender the Oaths to Perſons ſuſpected of Popery, and on their Refuſal, may ſet aſide their Votes.

IV. **And further**, inaſmuch as too many Perſons that are either really Papiſts, or Popiſhly inclined, act in Diſguiſe, and will not make any public Profeſſion of their Principles, for the better and more effectual carrying on their wicked and malicious Deſigns, for the undermining and ſubverting our preſent Eſtabliſhment; **Be it therefore further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for the Sheriff, or other Judges of Elections, and ſuch Sheriff, or other Judges, are hereby required, as often as any of them ſhall ſee needful (or upon the Information of any other Perſon duly qualified to vote) to tender and adminiſter the Oaths and Subſcriptions aforeſaid, to any Perſon or Perſons ſuſpected to be Papiſts, or Popiſhly inclined, and upon their Refuſal, to ſet aſide ſuch Vote or Votes.

But ſhall not hinder Quakers from their Votes.

V. **Provided always**, That nothing in this Act be conſtrued to debar or hinder any of the People called and generally reputed Quakers, from their Votes in Elections, they being otherwiſe duly qualified.

See an Explanation of this Clauſe in 1724, *ch.* 18.

Sheriffs, &c. making undue Returns, ſhall be liable to the Penalties in the original Act.

VI. **And be it likewiſe Enacted**, That in caſe any Sheriff, or Body Politic, ſhall make any undue Return, contrary to the true Intent and Meaning of the Act aforementioned, or this preſent Act, ſuch Sheriff, or Body Politic, ſhall be liable to the ſame Penalties and Forfeitures as Sheriffs are made liable to by

by the said aforementioned Act, to be ascertained and recovered as in the said aforementioned Act is directed, to the Uses therein mentioned. CHAP. I.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

An Act reviving and continuing an Act of Assembly of this Province, entitled, [a] *An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. Lib.* LL. N° 4. *fol.* 385. *EXP.* Passed 10th *May* 1718.

[a] 1714, *ch.* 4, hereby continued 3 Years, *&c.*

CHAP. III.

An Act for qualifying John Steel, *of the City of* Annapolis, *Esq; to hold Offices within this Province. Lib.* LL. N° 4. *fol.* 386. *PR.* Ditto.

CHAP. IV.

An ACT to repeal a certain Act of Assembly, entitled, An Act to prevent the Growth of Popery within this Province. *Lib.* LL. N° 4. *fol.* 386. Ditto.

WHEREAS at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of *September*, One Thousand Seven Hundred and Four, was enacted and made, an Act of Assembly, entitled, *An Act to prevent the Growth of Popery within this Province*, and also one other Act made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Sixth Day of *March*, One Thousand Seven Hundred and Seven, suspending the Execution of some Clauses of the aforementioned Act, until her late Majesty's further Pleasure should be declared and signified therein; concerning which Suspension-Act, sundry great Disputes have arisen among the Romanists: For Removal of which Disputes, and considering that by one Act of Parliament made in the Eleventh and Twelfth Year of the Reign of his late Majesty King *William* the Third, Chap. 4, there is good Provision made to prevent the Growth of Popery, as well in this Province, as throughout all others his Majesty's Dominions, and that an Act of Assembly of this Province can in no Ways alter the Effect of that Statute: It is therefore prayed that it may be Enacted, And

Preamble; reciting the Acts of 1704, *ch.* 59, 1707, *ch.* 6. Good Provision made to prevent the Growth of Popery by the *English* Statute of 11th and 12th *W.* IIId *ch.* 4. No Act of Assembly can alter the Effect of that Statute.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the said Act of Assembly to prevent the Growth of Popery, be, and is hereby Repealed. Repeal of the said Act of 1704, *ch.* 59.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

A Supplementary ACT to the * Act for the better Administration of Justice in Testamentary Affairs, *&c. Lib.* LL. N° 4. *fol.* 387. Passed 10th *May* 1718. * 1715, *ch.* 39.

WHEREAS the Act of Assembly of this Province, entitled, *An Act for the Administration of Justice in Probate of Wills, &c.* it is amongst other Things enacted, That when a full Account is made up by any Administrator of any Intestate's Estate, the Judge therein mentioned shall make, or cause to be made, Distribution as therein directed, the making up of which Account is oftentimes designedly delayed, and the Estate thereby kept from the right Owners: For Remedy whereof, Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That it shall and may be lawful for any Legatee, or others, that have Right to any Legacy, or to the Any Legatee *&c.* may (after Twelve Months from the Date of the Letters

CHAP. V. Testamentary, &c.) sue and recover, giving Security to refund, &c.

Residue of any Testator's or Intestate's Estate, after the Expiration of Twelve Months from the Date of the Letters Testamentary, or Letters of Administration of such Deceased's Estate, to demand and sue for such their Legacies or Residuary Part of such Deceased's Estate as shall then appear to be their Due by such Accounts as shall then be made up by that Time, that then such Legacies or Residue shall be paid or recovered out of the full Estate, in the same Manner as if there were no Disbursements for Debts or Charges to be made thereout, such Residuary Legatees, or others, that Right have as aforesaid, giving Security to refund to such Executor or Administrator, according to the Directions of the [b] Statute of the Twenty-second and Twenty-third of *Charles* the Second, Chap. 10. And that in case any Suit shall be brought on any Testamentary or Administration Bond, by any Orphan or other Legatee, for Default of Compliance with the Act *for the better Administration of Justice in Probate of Wills, &c.* or this present Act, it shall and may be lawful for such Suitors, and their Agents, Sollicitors or Attorneys, and the several Courts of Law before whom such Suits shall happen to be brought, are hereby required to proceed to Judgment and Execution on such Bonds, without taking Notice of any Injunction, or other Chancery Proceeding, to stop, hinder, or delay the same, unless he shall obtain a final Decree, on full Hearing, or running out the Process for the Awarding of such a Writ.

Judgment and Execution on Testamentary, &c. Bonds shall not be delayed by Chancery Proceedings, unless a final Decree be obtained.

[b] Which directs §. 8, That no Distribution shall be made of the Goods of any Person dying Intestate, 'til one Year be fully expired, after the Intestate's Death; and that such, and every one, to whom any Distribution and Share shall be allotted, shall give Bond with sufficient Sureties in the Prerogative Court, &c. that if any Debt or Debts, truly owing by the Intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator, his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts, so discovered after the Distribution so made as aforesaid.

But the Party aggrieved may proceed in Chancery.

III. **Provided nevertheless,** That in case any Party to such Suit shall conceive himself properly relievable in Equity on such Case, it shall and may be lawful for such Person to proceed in Chancery.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

Passed 10th *May* 1718. *An Act impowering a Committee to lay, assess and apportion the Public Levy, for this present Year One Thousand Seven Hundred and Eighteen. Lib.* LL. N° 4. *fol.* 388.

CHAP. VII.

Ditto. *An Act for the Relief of several poor Prisoners therein mentioned. Lib.* LL. N° 4. *fol.* 390. *PR.*

CHAP. VIII.

Ditto. *An Act declaring the Rights of Three Lots, originally laid out in* Annapolis, *for the Uses therein mentioned. Lib.* LL. N° 4. *fol.* 390.

N. B. Three Lots were originally laid out, one for the Benefit and Advantage of the Rector, one other for the Clerk of the Parish and Sexton, and the Third for the Clerk of the Vestry, and Mr. Commissary's Clerk. A House was soon after built upon one of them, for the Use of the Vestry: Which House and Lot (on the Petition and Application of the Rev[d] Mr. *James Wootton*, then Rector of the Parish) was annexed to the Parson's Lot, for the Reception and Accommodation of a Minister for ever, as appears by an Ordinance in the Journal of the Lower House of Assembly, *April* 9th 1706. Ever since which Time, the said Lots so annexed by the said Ordinance, and the others aforementioned, have been peaceably possessed, without Molestation, and deemed to belong to the Rector of the Parish, except that Part of the Minister's Lot whereon the Prison is now (*viz.* 1718) built; until *John Gresham*, Esq; had made an Entry on two of the said Lots, *viz.* that laid out for the Clerk of the Vestry, and Commissary's Clerk, and that other laid out for the Clerk of the Parish and Sexton, with the Clerk of the Mayor's Court. *It is therefore Enacted*, That the said Three several Lots be and remain for ever to the several Uses as originally designed in laying out the said Lots, and the Ordinance made the 9th *April* 1706 as aforesaid: Any Pretence of their not being Built upon, or any Entry thereof by the said *Gresham*, or others, to the contrary notwithstanding. Except the Ground whereon the Prison stands, which is reserved to the Public.

A Supplementary Act made 1723, *ch.* 14.

CHAP.

C H A P. IX.

An Act to confirm to Mary Hall, *of* Talbot *County, Widow, a Tract of Land called* Glade's Addition, *in* Talbot *County*. *Lib.* LL. N° 4. *fol.* 392. *PR.* Passed 10th *May* 1718.

C H A P. X.

An Act to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery Court to the Governor and Council. *Lib.* LL. N° 4. *fol.* 394. *REP. by* 1721, *ch.* 14. Ditto.

A Supplementary Act 1720, *ch.* 20; which was Repealed by the same Act.

C H A P. XI.

An Act for supplying Defects in the Conveyance of Land from John Carey, John Burridge, *and* George Cole, *to* Peregrine Brown, *Merchant, deceased*. *Lib.* LL. N° 4. *fol.* 395. *PR.* Ditto.

C H A P. XII.

An Act to enable Benjamin Howard *to sell certain Lands in* Ann-Arundel *County; and for the entailing other Lands belonging to the said* Benjamin, *in* Baltimore *County*. *Lib.* LL. N° 4. *fol.* 397. *PR.* Ditto.

C H A P. XIII.

An Act for the removing the Court-house from Charles-Town *in* Prince-George's *County; and for the building a Court-house for the said County at the Town of* Marlborough *in the said County; and for making Sale of the old Court-house and Prison*. *Lib.* LL. N° 4. *fol.* 399. Ditto.

C H A P. XIV.

An Act for confirming the Last Will and Testament of Elizabeth Devegh, *late of* Baltimore *County, deceased; and for vesting in* John Devegh, *his Heirs and Assigns for ever, an Estate in Fee-simple, in all and singular the Lands, Tenements and Hereditaments, whereof the said* Elizabeth Devegh *died seized as aforesaid*. *Lib.* LL. N° 4. *fol.* 401. *PR.* Ditto.

C H A P. XV.

An Act for investing the right Heirs of Edward Day, *late of* Somerset *County, with an Estate in Fee-simple of certain Lands in the said County*. *Lib.* LL. N° 4. *fol.* 403. *PR.* Ditto.

C H A P. XVI.

An Act for the better supporting the Magistrates in the Administration of Justice within this Province; and for the disabling Thomas Macnemara, *Esq; to practice the Law therein*. *Lib.* LL. N° 4. *fol.* 404. *OBS.* Ditto.

A new Law made 1719, *ch.* 4.

C H A P. XVII.

An Act for the Relief of Robert High, *Bricklayer, a languishing Prisoner in* Calvert *County; and of* Philip Eilbeck, *in* Kent *County*. *Lib.* LL. N° 4. *fol.* 407. *PR.* Ditto.

C H A P. XVIII.

An Act for ascertaining the Bounds of Land within this Province. *Lib.* LL. N° 4. *fol.* 410. *DISSENT.* Ditto.

By this Act the Acts of 1715, *ch.* 45, and 1717, *ch.* 9, are Repealed, both which would otherwise have expired on the 1st *June* 1719. For the Dissent see his Lordship's Speech to both Houses communicated by the Governor on the 19th *July* 1721.

C H A P. XIX.

An ACT for settling all Disputes concerning the Boundaries of the several Lots within the City of *Annapolis*, and confirming the same to the respective Takers-up, Improvers and Purchasers thereof; and for laying out Ten Acres of Land out of the Town Pasture, into Twenty Lots more, to be added to the said City. *Lib.* LL. N° 4. *fol.* 417. Ditto.

WHEREAS the original Plat of Survey of the Town of *Annapolis*, now erected into a City, has been destroyed by the Fire of the Stadt-house, in the Year One Thousand Seven Hundred and Four, and Preamble.

CHAP. XIX.

and little or no Footſteps left to find out the Bounds of the ſeveral Lots, whereby many Diſputes and Law Suits are like to ariſe among the Inhabitants and Proprietors of the ſaid Lots; and foraſmuch as Juſtice may the more ſpeedily, and at far leſs Charges, be adminiſtered upon any ſuch Diſputes, by Three or more indifferent Perſons appointed by Law to act as Commiſſioners, to hear and finally determine them, and aſcertain the Boundaries and Proprietorſhips of the Lots within the ſaid City, as near as may be, according to the true Intent and Meaning of the Original Surveys of ſuch Proprietorſhips, and of the Lots of the Town and Port of *Annapolis*, made by Mr. *Richard Beard*, deceaſed; it is therefore prayed that it might be Enacted,

Certain Commiſſioners impowered to determine all Diſputes concerning Lots in the City of *Annapolis*;

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Honourable Colonel *William Holland*, Colonel *Thomas Addiſon*, Captain *Daniel Mariartee*, and Mr. *Alexander Warfield*, or any Three of them, be, and are hereby appointed, authorized and impowered Commiſſioners for hearing and finally determining, all or any the Diſputes that have and may ariſe among any the Takers-up, Improvers or Purchaſers of all, or any the Lot or Lots of Land laid out within the ſaid City, concerning either the Property or Bounds of any the ſaid Lots; and that to that End, the aforeſaid Commiſſioners, or the major Part of them, together with *James Stoddart*, Eſq; who is hereby appointed to ſurvey the aforeſaid City, and the ſeveral Lots, Streets and Public Grounds therein, do, ſometime before the Firſt Day of *Auguſt*, in this preſent Year of our Lord GOD Seventeen Hundred and Eighteen, meet within the ſame City, and calling before them, or the major Part of them, the reſpective Proprietors and Claimers of the Lots aforeſaid, hear and examine their Pretenſions thereto, and cauſe the Bounds thereof to be aſcertained and ſtaked out, according to the true Intent and Meaning of the original Plat or Survey of the Town of *Annapolis*, heretofore made by the aforeſaid Mr. *Richard Beard*, ſo that no Man that has built by Miſtake, be Ouſted of his Poſſeſſion; and finally to aſcertain the Properties of the ſeveral Claims therein; and cauſe their ſeveral Determinations to be fairly tranſcribed, and tranſmitted in the Secretary's Office of this Province, as the ſettled and indiſputable Bounds and Properties of all and ſingular the ſaid Lots, and Parties claiming the ſame.

and their Determinations to be tranſmitted into the Secretary's Office.

Owners of any Lands within the Survey of the City, ſhall make Claim of Satisfaction againſt Poſſeſſors of Lots,

III. **And** to the End that the reſpective Owners of any Parcels or Quantity of Lands lying within the Survey or Plat of the ſaid City, may receive juſt and equitable Satisfaction from the ſeveral Claimers or Poſſeſſors of ſuch Lots as may happen to fall within the reſpective Bounds they claim Property in; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That ſuch reſpective Owners or Claimers of any Quantity or Parcel of Land lying within the ſaid City, do appear before the ſaid Commiſſioners, at or before the Firſt Day of *Auguſt* next, or at any other Day or Time as the ſaid Commiſſioners, or the major Part of them, ſhall appoint or direct at the ſaid City, and upon Oath by the aforeſaid Commiſſioners, or any of them, to be adminiſtered to them, declare whether or no they know, or have heard, of any Satisfaction or Payment for all or any Part of the ſaid Lands heretofore made, to themſelves, or any others, by, from, or under whom, they claim the ſame; and that at the ſame Time the ſaid Claimers and Owners of ſuch Quantities or Parcels of Land, make good, and ſhew to the ſaid Commiſſioners their reſpective Rights and Claims to the aforeſaid Lands, and receive ſuch reaſonable Satisfaction therefore from the reſpective Proprietors of Lots within ſuch their Lands, as the aforeſaid Commiſſioners, or the major Part of them, ſhall direct; and that in Default of ſuch Claim, and making good their ſeveral Rights to the aforeſaid Quantities or Parcels of Land as aforeſaid, they, the ſaid Claimers and Proprietors, and their Heirs and Aſſigns, ſhall be for ever hereafter precluded and barred from any Claim, Right or Intereſt thereto;

or be for ever barred from the ſame.

and

and the aforesaid Quantities or Parcels of Land, shall be deemed to be held by the Owner of such Lots, under the like Rents and Services as other Lots and Lands within the City aforesaid, now are. CHAP. XIX.

IV. **And whereas**, for the better Encouragement of poor Tradesmen to come and inhabit within the said City, and carry on their respective Trades therein, the Corporation of the said City have supplicated this General Assembly, That Twenty more small Lots should be laid out and added to the said City; **Be it therefore Enacted**, *by and with the Authority, Advice and Consent aforesaid*, That the said Commissioners, or the major Part of them, by this Act nominated and appointed, shall cause Ten Acres of the Public Pasture, lying on the North Side of the said City, and to the Eastward of the Ferry Road that leads by the Hill whereon the Powder-House now stands, to be surveyed and staked out into Twenty Lots, to be taken up by any Person or Persons that shall build a Dwelling-house upon the same, according to the Directions of the aforesaid Act *for erecting* Ann-Arundel *and* Oxford *Towns into Ports and Towns*; which Taking-up and Building upon as aforesaid, upon paying to the Proprietors of the said Ten Acres, what Sum the said Commissioners, or the major Part of them, shall assess and award to be paid for each Lot, shall, by virtue of this Act, make and vest a sure and indefeasible Estate in Fee, in and to the respective Takers-up and Builders thereon, and to their Heirs and Assigns, in all or any the aforesaid Twenty Lots so to be laid out as aforesaid; any Law, Statute or Usage to the contrary notwithstanding.

The Commissioners impowered to lay out 10 Acres of the Public Pasture into 20 Lots, to be taken up and improved upon according to the Directions of the Act of 1694, *ch.* 8.

V. **Provided nevertheless**, and it is the true Intent and Meaning of this Act, That no Person already possessing a Lot, or any Part of a Lot, within the said City, shall have Liberty to take up any of the said Twenty Lots, for and during the Space of Two whole Years from the laying out the said Twenty Lots; nor shall any Person take up any the said Twenty Lots in the Name of any other for his own Use. Proviso.

VI. **And** for the continuing the Succession of Commissioners and Surveyor until the Business referred to them be compleated; **Be it Enacted** *as aforesaid*, That in case of the Death or Absence of any the said Commissioners or Surveyor, that the Survivors be, as they are hereby, impowered to choose others, by Majority of Voices, to serve in the Stead or Place of such as are absent or deceased; and also that the said Commissioners be allowed each Fifteen Shillings per Day for their Attendance; and that all Charges arising on the Execution of this Law, shall be ascertained by the said Commissioners, and satisfied and raised by an equal Assessment by the Lot, upon the several Proprietors thereof, to be levied in such Manner as the said Commissioners, shall direct; and the said Commissioners, or the major Part of them, are hereby impowered and authorized to enquire if any Thing be due; and, if any Thing, what is due from the Public for any Part of the Lands laid out in the City aforesaid, for the Use of the Public? And to make their Report thereof to the next Assembly, to the End that the Proprietors of the said Lands may have just Satisfaction made them for the same. Commissioners, &c. to have a Succession till the Business be compleated.

VII. **And be it likewise further Enacted**, That the Clerk of the Mayor's Court, for the Time being, be Clerk to the said Commissioners, to enter their Proceedings in the Premises aforesaid, which said Proceedings shall be entered in the Records of the Mayor's Court, whereto all Persons concerned may have Recourse. Their Proceedings to be recorded in the Mayor's Court.

VIII. **And be it likewise Enacted**, That the Commissioners aforesaid, shall take the Oaths appointed to be taken by the Act *for ascertaining the Bounds of Land within this Province*, in the like Manner as is directed by that Act. The Commissioners to be sworn.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 14th Day of *May*, in the 4th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 8th Day of *June* following, in the 5th Year of his Lordſhip's Dominion, *Annoq; Domini* 1719, were Enacted the Laws following, *viz.*

JOHN HART, Eſq; Governor.

CHAP. I.

Paſſed 8th *June* 1719.

An Act reviving an Act of Aſſembly of this Province, entitled, * *An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. Lib.* LL. N° 4. *fol.* 422. *EXP.*

* 1715, *ch.* 43, hereby continued 3 Years, &c.

CHAP. II.

Ditto.

A Supplement to the * ACT relating to Servants and Slaves. *Lib.* LL. N° 4. *fol.* 423.

* 1715, *ch.* 44.

Preamble.

WHEREAS by the Act of Aſſembly relating to Servants and Slaves, there is not any Proviſion made what ſhall be done with ſuch runaway Servants or Slaves that now are, or hereafter ſhall or may be taken up and committed to the Cuſtody of any Sheriff within this Province, where the Maſter or Owner of ſuch Servant or Slave, having due Notice of ſuch Servant's or Slave's being in the Cuſtody of ſuch Sheriff, refuſes or delays to redeem ſuch Servant or Slave, by paying their Impriſonment Fees, and ſuch other Charge as has, or may accrue, for taking up ſuch Servant or Slave.

Sheriffs to give Notice to the Owners of Runaway Servants or Slaves committed to their Cuſtody.

Owners neglecting to appear within the Time limited, and ſatisfy Impriſonment Fees, &c. the Sheriff may ſell ſuch Servant or Slave by public Vendue, and pay himſelf, &c. out of the Produce, and only account to the Owner for the Reſidue.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, every Sheriff that now hath, or hereafter ſhall have committed into his Cuſtody, any runaway Servants or Slaves, after One Month's Notice given to the Maſter or Owner thereof, of their being in his Cuſtody, if living in this Province, or Two Months Notice, if living in any of the neighbouring Provinces, if ſuch Maſter or Owner of ſuch Servants or Slaves do not appear within the Time limited as aforeſaid, and pay, or ſecure to be paid, all ſuch Impriſonment Fees due to ſuch Sheriff, from the Time of the Commitment of ſuch Servants or Slaves, and alſo ſuch other Charges as have accrued or become due to any Perſon for taking up ſuch runaway Servants or Slaves, ſuch Sheriff is hereby authorized and required (ſuch Time limited as aforeſaid, being expired) immediately to give Public Notice to all Perſons, by ſetting up Notes at the Church and Court-houſe Doors of the County where ſuch Servant or Slave is in Cuſtody, of the Time and Place for Sale of ſuch Servants or Slaves by him to be appointed, not leſs than Ten Days after ſuch Time limited as aforeſaid, being expired; and at ſuch Time and Place by him appointed as aforeſaid, to proceed to ſell and diſpoſe of ſuch Servant or Slave to the higheſt Bidder, and out of the Money or Tobacco which ſuch Servant or Slave is ſold for, to pay himſelf all ſuch Impriſonment Fees as are his juſt Due, for the Time he has kept ſuch Servant or Slave in his Cuſtody, and alſo to pay ſuch other Charges, Fees or Reward,

Reward, as has become due to any Perſon for taking up ſuch Runaway Servant or Slave; and after ſuch Payments made, if any Reſidue ſhall remain of the Money or Tobacco ſuch Servant or Slave was ſold for, ſuch Sheriff ſhall only be accountable to the Maſter or Owner of ſuch Servant or Slave, for ſuch Reſidue or Remainder as aforeſaid, and not otherwiſe. CHAP. II.

III. And in caſe any Sheriff, or the Buyer of ſuch Servant or Slave, or others concerned in the Execution of this Act, ſhall be ſued by any Perſon or Perſons for any Matter or Thing done, or to be done, in purſuance hereof, it ſhall and may be lawful for every ſuch Perſon or Perſons ſo ſued, to plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, and in caſe of Non-ſuit, Diſcontinuance, or Verdict againſt the Plaintiff, the Court ſhall award double Coſts of Suit. The General Iſſue may be pleaded, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

A Supplementary ACT to the * Act for cauſing Grand and Petit Jurors, and Witneſſes to come to the Provincial and County Courts, and aſcertaining their Allowances. *Lib.* LL. N° 4. *fol.* 424. Paſſed 6th *June* 1719. * 1715, *ch.* 39.

TO Prevent Jurors from taking, and Suitors from giving, larger Sums for a Verdict than is allowed by Law; whereby it is obvious, that ſome Perſons (who have more frequent Trials by Jurors than others) have endeavoured to raiſe a general Expectation in Jurors of larger Donations from them than from their Adverſaries, thereby endeavouring to incline them to their Favour: For Prevention whereof for the future; Preamble.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Sum of [b] One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings in Money, be allowed and paid to every Jury, for hearing or giving their Verdict in any Cauſe they are ſworn to give their Verdict in, whether in the Provincial or County Courts, and no more; and that in caſe any Suitor give more than what is hereby directed, and be thereof convict, he, ſhe, or they, ſhall for ſuch Offence (if to a Juror in the Provincial Court,) forfeit the Sum of Six Thouſand Pounds of Tobacco, or under, at the Diſcretion of the Court: If in the County Court, the Sum of Two Thouſand Pounds of Tobacco, or under, at the Diſcretion of the Court, to the Right Honourable the Lord Proprietary; the one Half thereof to the Uſe of Schools, to be applied in the ſame Manner as the additional Duty of Twenty Shillings per Head on Negroes and *Iriſh* Papiſts now is, the other Half to the Informer, or him or them that ſhall ſue for the ſame, if on Indictments or Actions criminal; if otherwiſe, to the Party grieved only. To be recovered in the Court where the Forfeiture ſhall happen, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed. 120 lb Tobacco, or 12*s.* in Money, to be paid to every Jury ſworn in any Cauſe. Penalty on any Suitor convict of giving more.

[b] 96 lb Tobacco by 1760, *ch.* 16, §. 2.

III. And be it likewiſe Enacted, That every Petit Juror ſummoned to any County Court, ſhall be allowed for every Day ſuch Juror ſhall attend (by Force of ſuch Summons,) the Sum of Fifteen Pounds of Tobacco, over and above the aforeſaid One Hundred and Twenty Pounds of Tobacco, or Twelve Shillings to each Jury, for each Cauſe, and no more; the aforeſaid Fifteen Pounds of Tobacco per Day to each Juror in each County Court, to be paid by the County, in the ſame Manner as the Jurors of the Provincial Court are allowed by the Public. Allowance to Petit Jurors in the County Courts.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

Passed 6th *June* 1719.

An ACT for the better ſupporting the Magiſtrates in the Adminiſtration of Juſtice within this Province. *Lib.* LL. N° 4. *fol.* 425.

Preamble.

WHEREAS it is obvious to this preſent Seſſion of Aſſembly, that there is an abſolute Neceſſity of a Law for the better preſerving the Honour, Dignity and Authority of his Lordſhip, in the Perſons of his Magiſtrates, in the Adminiſtration of Juſtice, from the Inſults, Affronts and indecent Demeanour before them, of the Practitioners of the Law, and other Officers and Perſons, that have hitherto been ſo frequent in all the Courts of this Province, as well as out of Court.

The Courts to obſerve the Demeanour of all Practitioners of the Law, Officers, and others uſing indecent Liberties, and to puniſh the ſame.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame,* That the ſeveral Magiſtrates, Judges of the ſeveral Courts within this Province, be, and are hereby authorized and ſtrictly required, to obſerve the Demeanour of all Practitioners of the Law, before them, as well as all Miniſterial Officers, or other Perſons who ſhall uſe any undecent Liberties to the leſſening the Grandeur and Authority of their reſpective Courts, and to diſcountenance and puniſh the ſame, according to the Nature of the Offence, either by ſuſpending ſuch Practitioner of the Law from their Practice, Perpetually, or for a Time, or to puniſh ſuch Practitioners, or Miniſterial Officers, or other Perſons, by Fine, at the Diſcretion of ſuch Court before whom ſuch Offence ſhall be committed, not exceeding Four Thouſand Pounds of Tobacco in the ſuperior Courts, nor Two Thouſand Pounds of Tobacco in the ſeveral County Courts within this Province, on each Offender, for any one Offence.

Single Magiſtrates likewiſe to obſerve the Demeanour of Perſons coming before them in the Execution of their Office, &c.

The Fines by this Act to be applied to the County School.

III. **And likewiſe,** all and every the ſeveral Magiſtrates, in the Execution of their Office out of Court, are hereby required, in like Manner, to obſerve the Carriage and Demeanour of all Perſons whatſoever, that ſhall come before them; and if any Perſon or Perſons ſhall behave themſelves indecently towards any of them (or contemn their Authority when lawfully required to aſſiſt them) in the Execution of their Office, or otherwiſe, it ſhall and may be lawful for any of the ſeveral Courts within this Province, upon Information to them made by any ſuch Magiſtrate or Magiſtrates, againſt any Perſon or Perſons who have ſo miſbehaved themſelves, or contemned their Authority, without any Formality in Law, to call ſuch Offender or Offenders before them, and puniſh them by Fine, Impriſonment, or by Setting in the Stocks, at their Diſcretion; the Fine not to exceed One Thouſand Pounds of Tobacco each Offender; the Impriſonment not to exceed Two Days, nor the Setting in the Stocks above Two Hours, for any one Offence; all which Fines to be levied by Way of Execution, and by ſuch Court applied towards the maintaining a Public School in the County where ſuch Offence is committed.

This Act not to leſſen any former Authority veſted in the Courts.

IV. **Provided always,** That nothing in this Act ſhall be conſtrued to leſſen the Authorities veſted by Law in the ſeveral Courts, or in any of the Magiſtrates, before the making of this Act.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

Paſſed 6th *June* 1719.

An Act for the veſting and ſettling an Eſtate of Inheritance, in Fee-ſimple, of and in a certain Parcel or Lot of Ground in the City of Annapolis, *containing One Hundred and Twenty Feet in Length, on* Robert Johnſon *of* Ann-Arundel *County, Ship-Carpenter. Lib.* LL. N° 4. *fol.* 427. *PR.*

N. B. This Lot was, after *Johnſon*'s Deceaſe, ſettled on *Robert Gordon* by 1723, *ch.* 26. And afterwards on *Horatio Samuel Middleton* and his Heirs, *&c.* by 1753, *ch.* 25.

CHAP.

CHAP. VI.

An Act to confirm a [c] *Tract of Land therein mentioned, to the Rector or Minister of* St. John's *Parish in* Baltimore *County, and his Succeſſors for ever. Lib.* LL. N° 4. *fol.* 428. Paſſed 6th *June* 1719.

[c] *Viz.* A Tract of Land called *Stoakly Manor, alias Stoak Flemmon*, containing 550 Acres, more or leſs; deviſed by the Laſt Will and Teſtament of *Jeremiah Eaton*, late of *Baltimore* County, deceaſed, dated the 10th *January* 1675, to the firſt Proteſtant Miniſter that ſhould reſide in *Baltimore* County, and his Succeſſors for ever.

CHAP. VII.

An Act impowering a Committee to lay, aſſeſs and apportion the Public Levy, for this preſent Year One Thouſand Seven Hundred and Nineteen. Lib. LL. N° 4. *fol.* 429. Ditto.

CHAP. VIII.

An Act to ſupply certain Defects in the conveying of Lands from Henry Roberts *to* John Ford. *Lib.* LL. N° 4. *fol.* 430. *PR.* Ditto.

CHAP. IX.

An Act to confirm to William Gray *of* Calvert *County, a ſmall Parcel of Land, lying in the ſaid County, ſold by* Robert Brooke *to the ſaid* Gray, *now in the Poſſeſſion of the ſaid* Gray. *Lib.* LL. N° 4. *fol.* 431. *PR.* Ditto.

CHAP. X.

An Act for the Relief of Samuel Liſle *of* Calvert *County, of* Chriſtopher Bateman, Robert Gray, *and* John Budd *of* Kent *County, languiſhing Priſoners. Lib.* LL. N° 4. *fol.* 432. *PR.* Ditto.

CHAP. XI.

An Act reviving an Act of Aſſembly of this Province, entitled, [d] *An Act for Encouragement of Tillage, and Relief of poor Debtors; and for ſupplying ſome Defects therein. Lib.* LL. N° 4. *fol.* 437. *EXP.* Ditto.

[d] 1715, *ch.* 17, hereby continued 3 Years; which, together with this Act, expired in 1722, when a new Law, *ch.* 13, was made.

CHAP. XII.

A Supplementary ACT to the * Act for Appointment of Conſtables, and what relates to their Office, and aſcertaining what Perſons are Taxables. *Lib.* LL. N° 4. *fol.* 438. Ditto.

* 1715, *ch.* 15.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in caſe any Conſtable ſhall not purſue the Directions of the Act of Aſſembly (now in Force) relating to his Office, and of this Act, in the taking and returning of Taxables, ſuch Conſtable ſhall be fined to the Right Honourable the Lord Proprietor, in the Sum of Five Hundred Pounds of Tobacco for each Offence, one Half thereof to the Informer, or him or them that ſhall ſue for the ſame, and the other Half thereof for the Uſe of Free-Schools in ſuch County where the Forfeiture ſhall happen; to be recovered in ſuch County Court, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed. Penalty on Conſtables not purſuing this and the Original Act, in the taking and returning of Taxables.

II. And be it further Enacted, That in caſe any Maſter, Miſtreſs, Dame, or other chief Perſon of the Family, ſhall conceal any Taxable, or not give a true Account thereof to ſuch Conſtable, purſuant to the Directions of the Act aforeſaid, that then ſuch Perſon ſhall for every Taxable ſo concealed, or not given in as aforeſaid, forfeit the Sum of Five Hundred Pounds of Tobacco in Manner aforeſaid, to the Uſes aforeſaid; to be recovered as aforeſaid. Penalty on Maſters, *&c.* not giving true Account of their Taxables.

III. And it is hereby Declared, That no Perſon ſhall be taken as a Taxable that ſhall not be imported into this Province on or before the Firſt Day of *June* for that Year. Unleſs imported by the 1st of *June*.

CHAP. XII. The Conſtable of the Hundred ſhall have his Fee, tho' others ſerve *gratis*.

IV. **And be it further Enacted**, *by the Authority aforeſaid*, That all Warrants iſſued by any Juſtice of Peace for the Recovery of ſmall Debts, ſhall be directed to ſome Conſtable of a Hundred, appointed by the Court, unleſs (at the requeſt of ſuch Suitor) it be directed to ſome Friend who will ſerve it *gratis*: Such Suitor nevertheleſs being hereby made liable to pay the Conſtable of the Hundred, where ſuch Warrant is ſerved, his juſt Fee.

Sheriffs to return Liſts of Taxables to the Secretary's Office by the 20th *Sept.*

V. **And be it further Enacted**, That the Sheriff of each reſpective County, is hereby obliged to return a true and fair Copy of the Liſt of Taxables in his County, under his own Hand, yearly, into the Secretary's Office, by the Twentieth Day of *September*, on Pain of One Thouſand Pounds of Tobacco for every Neglect; to be forfeited as aforeſaid, to the Uſes aforeſaid, to be recovered as aforeſaid.

Conſtables to ſend their Liſts to the Sheriff by the 1st of *Auguſt*.

VI. **And** the better to enable the Sheriffs of the ſeveral Counties to return Copies of the Liſt of Taxables in each County as aforeſaid; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the ſeveral Conſtables of the ſeveral and reſpective Hundreds, in the ſeveral Counties, are hereby required to ſend a Copy of their Liſts of Taxables to the Sheriff of their County, at or before the Firſt Day of *Auguſt*, after the taking of ſuch Liſt.

Single Perſons ſhall procure ſome Houſe-keeper to be anſwerable for their Levy, or may be committed.

VII. **And whereas**, it is found by Experience, that there are many ſingle Perſons, (who are Free-men,) within this Province, who have not any ſettled Place of Reſidence, but make their Abode at ſuch Places where they are employed, and ſuch Employers refuſe to give them in as Taxables, they not being conſtant Reſidents in their Families, by which Means they frequently eſcape paying any Tax at all; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for any Conſtable of any Hundred, in any of the Counties within this Province, upon finding any ſuch ſingle Perſon or Free-man in their reſpective Hundreds, who cannot procure ſome Houſe-keeper within ſuch Hundred to give him in as a Taxable, nor make appear that he is a Reſident, or taken as a Taxable in ſome other Hundred or County, to carry ſuch Perſon or Free-men before the next Juſtice of the Peace for ſuch County, who is hereby impowered and required to commit ſuch Perſon, or Free-man, into the Sheriff's Cuſtody, until he ſhall procure ſome Houſe-keeper to return him as a Taxable, and be anſwerable for his Levy.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIII.

Paſſed 6th *June* 1719.

An Act for Relief of John Beale *of* Charles *County, Gent. and* Richard Beale, *a Minor. Lib.* LL. N° 4. *fol.* 440. *DISSENT.*

His Lordſhip's Diſſent communicated to the Lower Houſe by Meſſage, the 21st *April*, 1720.

CHAP. XIV.

Ditto. An ACT for the Application of ſuch Inteſtate's Eſtates as leave no legal Repreſentatives; and for inforcing Proceedings againſt temerary Adminiſtrators. *Lib.* LL. N° 4. *fol.* 443.

Preamble. WHEREAS it frequently happens that Perſons who are poſſeſt of conſiderable Perſonal Eſtates die Inteſtate, leaving no known Relations, or Repreſentatives, legally entitled to the Reſidue thereof, in which Caſes, 'tis obſerved, ſome Creditor, or pretended Creditor of ſuch Deceaſed, moſt commonly obtains the Adminiſtration of his Goods and Chattels, and thereby becomes legally poſſeſs'd thereof, by virtue whereof he not only ſatisfies himſelf, but all other Creditors their juſt Claims, but likewiſe retains in his Hands the total Reſidue of ſuch Eſtate, and converts the ſame to his own Uſe, on Pretence of ſecuring himſelf againſt ſuch latent Debts

Debts as may thereafter appear; whereby such Administrator has the sole Benefit of such Goods and Chattels, as he had no other Pretence of Right to, save for the satisfying himself a Debt, and perhaps but a small one, out of the Deceased's Estates: For the more just and better Application of which Residues for the future; CHAP. XIV.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That every such Administrator as aforementioned, shall be obliged to pay and satisfy the Balance of such Estates to one of the * Public Treasurers of this Province, for the Time being, in the same Manner as such Administrator should have been obliged to pay the same to any legal Residuary Legatee by Law, in case any such should have appeared; to be applied to the Use of Schools, in the same Manner as the additional Duty of Twenty Shillings per Poll on *Irish* Servants and Negroes, is directed; save that whereas by the Act *for the better Administration of Justice in Testamentary Affairs, &c.* sundry Particulars of Goods and Chattels are directed to be paid in Specie, according to Appraisement, to the Residuary Legatees, in this case such Administrator shall be obliged to pay the said Balance of such Estate, according to the true Value thereof, in Current Money, for the Payment whereof he shall be allowed Twenty per Cent, *(That is to say)* Ten per Cent over and above the Ten per Cent usually allowed.

How the Residue of Intestates Estates shall be disposed of who leave no legal Representatives, for the Benefit of Schools.

* By 1729, *ch.* 24, §. 17, the Balance of Intestates Estates directed by this Paragraph to be paid to the Public Treasurers, shall hereafter be paid to the Visitors of the Public School of the County wherein the Deceased resided: And that the Administrator shall pay such Balance in Current Money, or in Specie, at the Direction of the Visitors; and if paid in Money, he shall be allowed 10 per Cent; if in Specie, 5 per Cent, and no more.

III. **Provided**, That in case such Administrator be of Kin to the Deceased, within the Fifth Degree of either Consanguinity or Affinity, that then such Administrator, and all others that are as nearly related to the Deceased as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers, or Sisters Children to the Deceased, and such Balance shall be distributed accordingly.

Administrators, of Kin to the deceased within the 5th Degree, have Right to the Residue.

IV. **Provided nevertheless**, That in case there be a Widow, no Collaterals shall be admitted, other than those directed by an Act of Assembly of this Province, entitled, *An Act for the better Administration of Justice in Testamentary Affairs*; but such Widow shall have the whole Residue of such Estate; any thing herein before contained to the contrary thereof in any wise notwithstanding.

In what case a Widow shall have the whole Residue.

V. **Provided nevertheless, and be it Enacted**, *by the Authority, Advice and Consent aforesaid*, That in case such Residue shall happen to be paid to such Treasurer as aforesaid, in Default of legal Representatives as aforesaid, and that any legal Representatives of no remoter Degree amongst Collaterals than Brothers or Sisters Children, shall at any Time appear, and prove him, her, or themselves, to be such legal Representative or Representatives, that then the Treasurer that received the Residue of such Estate, if then in his Hands, or the Public Stock of Schools, if applied to their Use, shall be liable, and are hereby obliged to refund to such legal Representative, the Sum that they received on Account of such Residue; and that the same Treasurer or Public Stock as aforesaid, (in case the Administrator shall be obliged to pay any further Debts or Duties that were due from the Deceased,) shall likewise refund to such Administrator the Value of what such Administrator shall be so obliged to pay.

If legal Representatives afterwards are proved, the Schools shall refund.

By 1729, *ch.* 24, §. 20, in case such Residue shall be paid to the Visitors, (see the Note on §. 2,) and legal Representatives of no remoter Degrees, *&c.* shall afterwards appear, *&c.* then shall the Visitors restore the same to such legal Representatives if in their Hands: But if actually applied to the Use of the School, then the Public Stock of such School shall be liable to make Satisfaction: And the Visitors shall give an Order for the same on the Public Treasurers, who shall

CHAP. XIV.

shall pay the same out of the Public Stock of such School, if so much in their Hands; if not, then so much as shall be in their Hands, and the Residue when they shall receive so much for the Use of such School.

Such next of Kin receiving the Balance, shall give Administration-Bond with Security.

VI. **Provided also,** That in case such next of Kin shall receive such Balance from such Treasurer or Public Stock of Schools, he shall, and is hereby obliged, on (or before) such Receipt, to give such Administration Bond, with Security according to Law, to refund to such Administrator, such Sums as shall at any Time thereafter be made appear to be due from the Deceased's Estate, and by him regularly discharged, for which he has not been formerly allowed.

The Commissary-General, on Information of Concealment, may examine the Person complained of upon Oath, &c.

VII. **And whereas** many Widows, or others, having the Deceased's Effects in their Hands, and Right to the Administration thereof, designedly suffer other Persons to Administer, whose Mouths are easily stopped, with Part of the Estate's being delivered them, and bring only such Part of the Appraisement, to the great Dishonour of the Deceased, and Deceit of the Living: For Prevention whereof, as well as of frequent tedious Suits, for the detecting such Concealments; **Be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That it shall and may be lawful for the Commissary-General, for the Time being, on Information or Complaint of any such Concealment, to cause the Person so complained of to be examined upon Oath, before such Commissary-General, or Deputy-Commissary in such County where the Person lives, for the Discovery of such concealed Effects or Estates; upon such Discovery, and refusing or delaying to deliver the Effects so discovered, and to make Satisfaction for the same, to issue an Attachment against such Concealer, to oblige him, her or them to comply therewith.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XV.

Passed 6th *June* 1719.

An ACT for the Encouragement of an Iron Manufacture, within this Province. *Lib.* LL. N° 4. *fol.* 445.

Preamble.

WHEREAS it is represented to this present General Assembly, That there are very great Conveniencies of carrying on Iron-Works within this Province, which have not hitherto been embraced for want of proper Encouragements to some first Undertakers, altho' the Consequences thereof might not only be considerably advantageous to the Persons immediately concerned therewith, but also to the Public Trade of *Great-Britain,* and this Province; and for that it may so happen that the Lands or Places most proper for the fixing Forge-Mills, and other Conveniencies for the carrying on such considerable Works, may happen to be within the Bounds of any Lands already reserved to his Lordship's Use, or such Lands as are in the Hands or Possession of Persons under Age, or unable to be at the Charge of carrying on such considerable Works, or else such as are wilfully obstinate, to the Hinderance of such Persons as would purchase such Lands or Places as should be fit for the carrying on so great Works, and setting them up, to the Increase of our Trade and Navigation, the Peopling of this Province, and to the Advantage of his Lordship, by the Encouraging the Taking-up such remote and barren Lands as are now entirely useless and uncultivated;

Writ of *ad quod Damnum* may be taken out for uncultivated Lands, to set up a Forging-Mill, &c.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his said Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same,* That if any Person or Persons from and after the Publication hereof, shall desire to set up such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works, upon any Land not before cultivated, next adjoining to any Run of Water within this Province, not being the Estate of Inheritance of such Under-

Undertakers, nor leased to them, to the Intent thereon to set such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works, they may purchase a Writ out of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him by the Oath of Twelve Men of his County, to inquire what Damage it would be to his Lordship, or others, to have such Builders or Undertakers invested with an absolute Estate of Inheritance in One Hundred Acres of such Land, proper for the setting up such Forging-Mill, and other Conveniencies for the carrying on such Iron-Works as aforesaid: The Form of which Writ followeth, *viz.* CHAP. XV.

Form of the Writ.

"*CHARLES, absolute Lord and Proprietary of the Provinces of* Mary-
"land *and* Avalon, *Lord Baron of* Baltimore, *&c. To the Sheriff of*
"*County, Greeting. We command you, that by the Oath of Twelve honest and*
"*lawful Men of the County, by whom the Truth of the Matter may be better*
"*known, you diligently enquire if it be to the Damage of us or others, if we grant*
"*unto* N. N. *of* N. *County, One Hundred Acres of Land lying at*
"*in the County aforesaid, as may be most convenient for the building and setting up*
"*a Forge-Mill, and other Conveniencies, as shall be necessary for the carrying on*
"*an Iron-Work. And if it be to the Damage and Prejudice of us, or others,*
"*then to what Damage and Prejudice of us, and to what Damage and Prejudice*
"*of others, and of whom, and in what Manner, and how, and of what Value*
"*the same Land is now, before any other Improvement of the said One Hundred*
"*Acres of Land, and who are the present Possessors of the said One Hundred*
"*Acres of Land, and who have the Fee-simple thereof, and what Lands and Te-*
"*nements remain to the present Possessor, over and above the said One Hundred*
"*Acres of Land; and if the said Land remaining to the present Possessors, over*
"*and above the said One Hundred Acres, will suffice to uphold their Manor,* viz.
"*the Sixth Part of their Manor, allotted them by the Conditions of Plantations,*
"*for the Demesne, as before the Alienation, so as the County, by the Alienation a-*
"*foresaid, in Default of the present Possession, more than was wont not to be char-*
"*ged and grieved; and the Inquisition thereupon openly and distinctly made to us in*
"*our High Court of Chancery, under the Seal and the Seals of them by whom it*
"*was made, without Delay send,* &c."

Upon Return whereof, if the Owner of the Land refuse to build such Forge-Mill, *&c.*

Upon Return of which Writ, in case the Person or Persons who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Forge-Mill, and other Conveniencies necessary for carrying on an Iron-Work, shall refuse to build such Forge-Mill, and other Conveniencies for such Iron-Work thereon, within Six Months from that Date to be computed and reckoned, and give Security the same Building to prosecute and finish within Four Years after the Beginning and Laying the Foundation of such Forge-Mill, it shall and may be lawful for his said Lordship, his Heirs and Successors, or for the Governor here, for the Time being, from Time to Time, to grant any such One Hundred Acres of Land fit to build a Forge-Mill, and Conveniencies for an Iron-Work as aforesaid, together with free Egress and Regress to the said Mill, through any Man's Land next adjoining, by the virtue of the Writ aforesaid returned, to be paid to the Owner of the said Land so found and returned as aforesaid; which said Grant to be made as aforesaid, shall be good and available in Law to the Grantee or Grantees as aforesaid, against all Persons whatsoever; any Law, Custom or Usage to the contrary notwithstanding.

the Governor may grant 100 Acres with free Egress, *&c.* and the Damage found, to be paid to the Owner of the Land.

III. **Provided always,** That before any Person or Persons whatsoever, shall have such Grant to build a Forge-Mill, and other Conveniencies for an Iron-Work as aforesaid, he or they shall enter into Bond to his said Lordship, with Two sufficient Sureties, in the Sum of One Hundred Pounds Sterling, with Condition to begin to build the said Forge-Mill, and Conveniencies for the Iron-Work as aforesaid, within Six Months then next to come, and the same Building to prosecute and finish within Four Years after such Beginning.

The Grantee to give Bond for building such Forge-Mill, *&c.*

IV. And

CHAP. XV.

Workmen, &c. constantly employed in any such Work, (not exceeding 80 in Number) to be Levy-free for four Years.

IV. And forasmuch as for the carrying on so considerable a Work, it will be absolutely necessary for the Undertakers to import, or otherwise retain in their Service, great Numbers of experienced Work-men; and that they must unavoidably be at vast Expences before they can bring such Work to any tolerable Perfection, so as to reap any Benefit therefrom; For their better Encouragement, Be it Enacted, That all such Work-men, or Labourers, as shall be by such Undertakers constantly employed in the carrying on such useful and beneficial Works, shall be exempt from the Paying of Levies for the first Four Years after their being employed in such Work as aforesaid: Provided, That the Number of such Work-men as shall be Levy-free, exceed not Eighty for any one Iron-Work.

But if Pig-Iron be not run at such Work in 7 Years, the Grant shall be void.

V. Provided nevertheless, That in case such Undertakers shall not prosecute such Iron-Work to the Running of Pigs fit for Transportation, within Seven Years next after their being seized of such Lands, by virtue of such Writ, in Manner aforesaid, that then it shall and may be lawful for the Person or Persons that were disseized of such Land by virtue of such Writ, to re-enter upon and be re-instated in the same, to all Intents and Purposes, as if such Writ had never been obtained, without being obliged to return any Part of the Purchase-Money for the same.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

Passed 6th *May* 1719.

An ACT Explaining and Declaring particularly what Laws were Repealed by an Act, entitled, * An Act Declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be Repealed; and for Reviving the † Act for Relief of *Ann-Arundel* County. *Lib.* LL. N° 4. *fol.* 448.

*1715, *ch.* 49.

†1705, *ch.* 1.

Preamble.

WHEREAS at a Session of Assembly begun and held at the City of *Annapolis* the 26th Day of *April*, in the First Year of the Reign of our Sovereign Lord GEORGE, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoq; Domini* 1715, there was Enacted one Law, entitled, *An Act declaring all Laws heretofore made, which have been Re-enacted this Session of Assembly, to be Repealed*, the repealing Clause in which Act being generally expressed, there has thereby arisen sundry Scruples and Doubts in the Minds of many of the Inhabitants of this Province, what particular Laws those were which were Repealed, and intended only to be Repealed by the aforementioned Act of Assembly; For the Removal whereof,

The following Laws, and no other, declared to be repealed by the Act of 1715, *ch.* 49.

II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the several particular Laws hereafter expressed, which were made before the abovementioned Repealing Act, are hereby declared to be the Laws, and none other, which were Repealed, and intended only to be Repealed by the aforementioned Repealing Law, *(viz.)*

1704, *ch.* 43. One Act, entitled, An Act for prohibiting the Importation of Bread, Beer, Flour, Wheat, or other *Indian* or *English* Grain, or Meal, Horses, Mares, Colts or Fillies from *Pensylvania*, and the Territories thereunto belonging.

1704, *ch.* 44. One other Act, entitled, { An Act for Limitation of certain Actions for avoiding Suits at Law.

1704, *ch.* 18. { An Act for the Publication of all Laws within this Province.

One other Act, entitled,

One other Act, entitled,

An Act for the Recording of all the Acts of Assembly in this Province, in the Secretary's Office; as also Transmitting the Journal of the House of Delegates into the said Office.	CHAP. XVI.	1704, *ch.* 46.
An Act for the Punishment of Adultery and Fornication.		1704, *ch.* 60.
An Act for the Stay of Execution after the Tenth Day of *May* yearly.		1704, *ch.* 49.
An Act directing the Manner of suing out Attachments, and limiting the Extent of them.		1704, *ch.* 14.
An Act for the better Administration of Justice in the High Court of Chancery, Provincial and County Courts, speedy Recovery of Debts, directing how small Debts shall be recovered, and for the more easy obtaining of Executions against Persons absenting from the Counties where the Judgments were obtained against them.		1704, *ch.* 31.
An Act for the Punishment of Blasphemy, prophane Cursing and Swearing.		1704, *ch.* 47.
An Act for rectifying the ill Practices of Attorneys of this Province, and ascertaining the Attorney-General and Clerk of Indictments Fees.		1704, *ch.* 55.
An Act for securing Merchants (and Others) Tobacco, after they have received it.		1704, *ch.* 51.
An Act for the Directions for the Sheriffs Office in this Province, and for the more easy Payment of the Public and County Levies.		1713, *ch.* 1.
An Act for the Appointment of Constables, and what relates to their Office.		1704, *ch.* 61.
An Act relating to Servants and Slaves.		1704, *ch.* 23.
An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province.		1704, *ch.* 41.
An Act relating to the Standard of *English* Weights and Measures.		1704, *ch.* 71.
An Act for the taking Special Bail in the several Counties of this Province, upon Actions and Suits depending in his Majesty's Provincial Court.		1704, *ch.* 52.
An Act for the speedy Trial of Criminals, and ascertaining their Punishments in the County Courts when prosecuted there.		1704, *ch.* 25.
An Act for Quieting of Possessions, Enrolling Conveyances, and Securing the Estates of Purchasers.		1704, *ch.* 24.
An Act providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, and pleading Discount in Bar.		1704, *ch.* 37.
An Act prohibiting all Masters of Ships or Vessels, or any other Persons from transporting or conveying away any Person or Persons out of this Province without Passes.		1704, *ch.* 22.
An Act for the better Administration of Justice in Probate of Wills, and granting Administrations, recovery of Legacies, and securing Filial Portions.		1704, *ch.* 20.
An Act imposing Three-pence per Gallon on Rum and Wine, Brandy and Spirits, and Twenty Shillings per Poll for Negroes, for raising a Supply to defray the Public Charge of this Province; and Twenty Shillings per Poll on *Irish* Servants, to prevent the Importing too great a Number of *Irish* Papists into this Province, made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of *September*, *Annoq*; *Domini* 1704.		1704, *ch.* 33.
An [f] Act for repealing a Clause in an Act of Assembly, entitled, An Act for Establishment of Religious Worship in this Province, *&c.* and for appointing the Oath of Abjuration to be taken in this Province, made at a Session of Assembly, begun and held at the Town and Port of *Annapolis*, the 26th Day of *October*, 1703.		[f] *An Act with this Title appears* 1704, ch. 11, *but none such passed in* 1703, *so that there must be a Mistake in the Reference.*
An Act ascertaining what Damage shall be allowed on Protested Bills of Exchange.		1708, *ch.* 10.
An Act ascertaining Fees to the Attorneys and Practitioners of the Law, in the Courts of this Province, and for levying the same by way of Execution.		1708, *ch.* 8.

CHAP. XVI.

One other Act, entitled,

1708, *ch.* 12. An Act for appointing Court Days in each reſpective County within this Province, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ninth Day of *November*, 1708.

1704, *ch.* 12. An Act to declare how the Forty Pounds of Tobacco per Poll, in ſuch Pariſhes where there is no Incumbent, ſhall be diſpoſed of, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the 26th Day of *April*, 1704.

1709, *ch.* 6. An Act to reform the ill Practice of High Sheriffs within this Province, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the 26th Day of *October*, 1709.

1704, *ch.* 87. An Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof.

1704, *ch.* 89. An Act for cauſing Grand and Petit Juries and Witneſſes to come to the Provincial and County Courts, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of *December*, 1704.

1700, *ch.* 6. An Act for quieting Differences that may ariſe between his Majeſty's Subjects of this Province, and the ſeveral Nations of *Indians*, of what Place ſoever, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the Twenty-ſixth Day of *April*, 1700.

1705, *ch.* 6. An Act for Puniſhment of Perſons ſelling or tranſporting of any Friend *Indian* or *Indians*, out of this Province, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the Fifteenth Day of *May*, 1705.

1710, *ch.* 3. An Act for ſecuring Perſons Rights to Town Lands, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-fourth Day of *October*, 1710.

Declaration concerning the Act of 1705, *ch.* 1.

III. **And be it further Enacted**, That an Act of Aſſembly made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the 15th Day of *May*, 1705, entitled, *An Act for the Relief of* Ann-Arundel *County, and all Perſons concerned in the Records thereof, lately burnt*, be, and is hereby declared to have always hitherto been in as full Force, and Effect, as if the ſame had never been repealed. Provided nevertheleſs, That no Perſon concerned therewith be allowed to make their Claims by virtue thereof, after the Twenty-fourth Day of *June*, which ſhall be in the Year of our Lord GOD, 1720. Saving to Infants, Married Women, Perſons of Unſound Mind, Impriſoned, or beyond the Seas, the Liberty of making ſuch their Claims at any Time within Twelve Months after ſuch Impediment removed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

Paſſed 6th *June* 1719. *An Act for diſabling* Thomas Macnemara, *Eſq; to practice the Law within this Province. Lib.* LL. N° 4. *fol.* 452. *OBS.*

CHAP. XVIII.

Ditto. *An Act for Limitation of Officers Fees. Lib.* LL. N° 4. *fol.* 461. *EXP.*

To be in Force 3 Years, &c. Continued 1723, *ch.* 23; and 1724, *ch.* 21, till the 25th *December* 1725, when it expired. A new Act made 1725, *ch.* 23.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, on the 5th, and ended the 22d Day of *April*, in the 5th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1720, were Enacted the following Laws.

JOHN HART, Eſq; Governor.

CHAP. I.

An Act impowering certain Commiſſioners and Truſtees to diſpoſe of the remaining Part of the Perſonal Eſtates which were of Thomas Smithſon, *late of* Dorcheſter *County, Gent. and* Thomas Smithſon, *late of* Talbot *County, Eſq; deceaſed; and to ſettle and aſſeſs the Loſſes, Damages, and Coſts, by* Thomas Hicks, *Gent. and* John Davis, *Son and Heir at Law of* Jeremiah Davis, *ſuſtained: As alſo to value the Lands whereof the ſaid* Thomas Smithſon, *of* Dorcheſter *County, and the ſaid* Thomas Smithſon, *of* Talbot *County, died ſeized; and to diſpoſe of ſo much of the ſaid Perſonal Eſtates, and the Lands, as will ſatisfy the ſaid* Thomas Hicks, *and the ſaid* John Davis, *for their Damages, Loſſes and Coſts, ſuſtained by Means of a Warranty of Lands, from the ſaid* Thomas Smithſon, *of* Dorcheſter *County, and the ſaid* Thomas Smithſon, *of* Talbot *County, to the ſaid* Thomas Hicks *and* Jeremiah Davis *made. Lib.* LL. N° 4. *fol.* 474. *PR.* Paſſed 22d *April* 1720.

CHAP. II.

An Act for the Naturalization of Herman Kinkee, *a* Dutchman, *and his Children*; Peter Manadoe, *a* Frenchman, *and his Children, of* Cæcil *County*; John Laviele, *a* Frenchman, *of* Calvert *County*; James Parandier, *and* John Parandier, *of* Charles *County. Lib.* LL. N° 4. *fol.* 477. *PR.* Ditto.

CHAP. III.

An Act for the Relief of Ephraim Gover, *and to inveſt him with an Eſtate in Fee-ſimple, in the Lands therein mentioned. Lib.* LL. N° 4. *fol.* 477. *PR.* Ditto.

CHAP. IV.

An Act for veſting in the Rector and Veſtry of William and Mary *Pariſh, in* St. Mary's *County, and their Succeſſors, an Eſtate in Fee-ſimple in the old Stadthouſe in* St. Mary's *City, in* St. Mary's *County, and the Lot of Land whereon the ſame ſtands, for the Uſe of the ſaid Pariſh for ever. Lib.* LL. N° 4. *fol.* 478. Ditto.

CHAP. V.

An Act to enable Benjamin Duvall, *of* Prince-George's *County, to ſell Two Hundred Acres of Land, Part of a Tract of Land called* Howerton's Range, *and for entailing other Lands in Lieu thereof. Lib.* LL. N° 4. *fol.* 479. *PR.* Ditto.

CHAP. VI.

An Act for the Relief of John Deavor, *of* Baltimore *County. Lib.* LL. N° 4. *fol.* 481. *PR.* Ditto.

CHAP. VII.

An Act for the Relief of Benjamin Howard, *in making good the Survey of* Howard's Purchaſe. *Lib.* LL. N° 4. *fol.* 482. *PR.* Ditto.

CHAP. VIII.

An Act to inveſt an Eſtate in Fee, to John Clements, *of* Queen-Ann's *County, in a certain Lot in the Town of* Cambridge, *in* Dorcheſter *County. Lib.* LL. N° 4. *fol.* 483. *PR.* Ditto.

CHAP. IX.

Passed 22d April 1720. *An Act reviving and continuing the Act, entitled,* [a] *An Act for ascertaining the Gauge and Tare of Tobacco Hogsheads,* &c. *from the 29th Day of* September *next, until the 29th Day of* September, *which shall be in the Year of our Lord* 1721. *Lib.* LL. N° 4. *fol.* 484. *EXP.*

[a] 1716, *ch.* 18.

CHAP. X.

Passed 22d April 1720. *An Act for giving further Time to the several Tradesmen, who originally took up the new Lots within the Addition to the City of* Annapolis, *to improve the same. Lib.* LL. N° 4. *fol.* 485.

CHAP. XI.

Ditto. *An Act to supply certain Defects in the Conveying Lands from* Henry Gibbs, *Son and Heir of* Edward Gibbs, *some Time of* Somerset *County, in the Province of* Maryland, *deceased, to* Benjamin Lawrence, John Belt *and* Lucy *his Wife, Heirs of* Benjamin Lawrence, *some Time of* Calvert *County, in the same Province, deceased. Lib.* LL. N° 4. *fol.* 486. *PR.*

CHAP. XII.

Ditto. *An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year One Thousand Seven Hundred and Twenty. Lib.* LL. N° 4. *fol.* 488.

CHAP. XIII.

Ditto. *A supplementary Act to the Act, entitled,* [b] *An Act for settling a Revenue on her Majesty's present Governor. Lib.* LL. N° 4. *fol.* 489. *EXP.*

[b] 1714, *ch.* 2.

CHAP. XIV.

Passed 22d April 1720. *An Act for reviving and continuing an Act of Assembly of this Province, entitled,* [c] *An Act for regulating of Ordinaries, from the 29th Day of* September *next, until the 29th Day of* September *which shall be in the Year of our Lord* 1721. *Lib.* LL. N° 4. *fol.* 490. *EXP.*

[c] 1717, *ch.* 2.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, on the 11th, and ended the 27th Day of *October*, in the Sixth Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq*; *Domini* 1720, were Enacted the Laws following, *viz.*

CHARLES CALVERT, Esq; Governor.

CHAP. XV.

Passed 27th October 1720. *An Act for raising a Duty of Three-pence per Hogshead on all Tobacco exported out of this Province, for the* [a] *Uses therein mentioned. Lib.* LL. N° 4. *fol.* 492. *EXP.*

[a] *Viz.* Three Half-pence for the Use of Public Schools, and Three Half-pence to the Governor; to be in Force till the 29th *September* 1721. Continued 1721, *ch.* 1; 1723, *ch.* 1; and 1726, *ch.* 3; and expired 1727.

CHAP. XVI.

Ditto. *An Act to confirm a Deed of Bargain and Sale from* Francis Swanson *to* Thomas Plummer. *Lib.* LL. N° 4. *fol.* 493. *PR.*

CHAP. XVII.

Ditto. *A Supplementary Act to the* [b] *Act for ascertaining the Bounds of Land within this Province. Lib.* LL. N° 4. *fol.* 494. [c] *DISSENT.*

[b] 1718, *ch.* 18. [c] See Lord *Baltimore*'s Speech, communicated to Both Houses by the Governor, the 19th *July* 1721.

CHAP.

CHAP. XVIII.

An Act for the Naturalization of John Peter Zenger *of* Kent *County, Printer, and his Children.* *Lib.* LL. N° 4. *fol.* 498. *PR.* Passed 27th *October* 1720.

CHAP. XIX.

An Act for Confirmation of certain Deeds of Sale to William Matthew, *Esq; of Lands in* Baltimore *County.* *Lib.* LL. N° 4. *fol.* 498. *PR.* Ditto.

CHAP. XX.

A Supplementary Act to the [d] *Act to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery Court to the Governor and Council.* *Lib.* LL. N° 4. *fol.* 500. *REP.* 1721, *ch.* 14. Ditto.

[d] 1718, *ch.* 10, which, together with this Act, was repealed by the new Law.

CHAP. XXI.

An Act for granting unto Edward Smith, *of the City of* Annapolis, *Sawyer, One Hundred and Twenty Foot of Ground in the said City to keep a Sawyer's Yard on, for the Encouragement of his Trade.* *Lib.* LL. N° 4. *fol.* 500. *PR.* Ditto.

CHAP. XXII.

An Act for the Confirmation of the Land therein mentioned, to Richard Bennet, *Esq;* *Lib.* LL. N° 4. *fol.* 501. *PR.* *REP.* 1753, *ch.* 24. Ditto.

CHAP. XXIII.

A Supplementary Act to the [e] *Act for Relief of* Thomas Manning, *of* Calvert *County.* *Lib.* LL. N° 4. *fol.* 503. *PR.* Ditto.

[e] 1707, *ch.* 3.

CHAP. XXIV.

An ACT to restrain the Rigour of Prosecutions on Administration, or Testamentary Bonds. *Lib.* LL. N° 4. *fol.* 504. Passed 27th *October* 1720.

WHEREAS it is represented by some of the Justices of the Provincial Court, That a most oppressive and pernicious Practice is introduced of putting Testamentary and Administration Bonds in Suit in the Provincial Court, for the Non-Payment of small Debts, recovered in the County Courts, without ever suing out Writs of *Fieri facias*, or other Executions to effect the Estate of the Deceased, in the Executors or Administrators Hands, or without any Insufficiency of such Executors or Administrators, whereby the Act, entitled, [f] *An Act to restrain the ill Practices used by Sheriffs in taking Goods by* Fieri facias, *and selling them by* Venditioni exponas, is entirely evaded, so far as it relates to Executors and Administrators, and the Person and Sureties of such Executors and Administrators are affected by such Suing the said Bonds, instead of the Effects of the Deceased: For Prevention whereof for the Future, Preamble. [f] 1716, *ch.* 16.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That it shall not be lawful for any Creditor or Creditors to prosecute any such Administration or Testamentary Bond for any Debt or Damages due from, or recovered against any Testator, or Intestate, or their Effects, before a *Non est Inventus* on a *Capias ad Respondendum* be returned against the Executor or Administrator, or a *Fieri facias* returned *nulla Bona* by the Sheriff of the County where such Executor or Administrator live, or where the Effects of such Deceased lies, or such other apparent Insolvency or Insufficiency of the Person or Effects of such Executor or Administrator, as shall in the Judgment of the Provincial Court that hears the Cause, render such Creditors Remediless by any other reasonable Means, save that of suing such Bonds; on pain that such Person or Persons that shall cause such Bonds to be sued, contrary to the true Intent and Meaning of such Act, shall be condemned in full Costs of Suit, to be adjudged by such Provincial Court, to the Defendant or Defendants that shall be so sued, against the Person or Persons that shall cause the same to be sued, and shall award Execution thereof as usual in other Cases. No Administration Bonds shall be sued unless the Creditor be without Remedy by other Means, on Penalty of Costs.

III. And

CHAP. XXIV.

General Iſſue pleadable.

III. And be it further Enacted, *as aforeſaid*, That it ſhall and may be lawful for the Defendant or Defendants in ſuch Suits to give this Act and the Special Matter in Evidence, without Specially Pleading the ſame; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXV.

Paſſed 27th *October* 1720.

An ACT declaring the Puniſhment for Burning of Court-houſes. *Lib.* LL. N° 4. *fol.* 505.

Preamble.

WHEREAS it is repreſented to this preſent General Aſſembly, That there remained ſome Doubt in the Law, whether the Burners of Court-houſes ſhould have the ſame Judgment as againſt Clerks convicts, or to ſuffer Death; on which Doubt, the laſt Provincial Court, in Favour of Life, gave Judgment againſt the Perſon convict for Burning *Kent* County Court-houſe, only that he ſhould be burnt in the Hand, *&c.* To clear up which Doubt for the future,

Perſons convict of wilfully burning Court-houſes ſhall ſuffer Death without Benefit of Clergy.

II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That any Perſon or Perſons whatſoever, that ſhall hereafter be convict of wilfully Burning any Court-houſe within this Province, wherein any Records actually or uſually are kept, although the ſame be not a Manſion-houſe, or ſuch other Houſe, for the Burning whereof the Offenders might heretofore have had the Benefit of Clergy, ſhall have Judgment to ſuffer Death, in the ſame Manner as if ſuch Offender had been convict of maliciouſly and wilfully Burning a Manſion-houſe; any Law, Statute or Uſage to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVI.

Paſſed 27th *October* 1720.

*1715, *ch.* 36.

A Supplementary ACT to the Act, entitled, * An Act for laying an Impoſition on Negroes, and on ſeveral Sorts of Liquors imported, and alſo on *Iriſh* Servants, to prevent the Importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* LL. N° 4. *fol.* 506.

Preamble.

WHEREAS there is a certain Clauſe in the ſaid recited Act, encouraging Reſidents of this Province to build and purchaſe Ships and Veſſels, thereby acquitting them from the Payment of ſeveral Duties on Negroes, Rum, *&c.* and it being repreſented to this General Aſſembly, That ſundry Abuſes have been committed by ſeveral Perſons, Reſidents of this Province, by purchaſing Veſſels, and obtaining Regiſters, ſuggeſting themſelves to be ſole Owners, when perhaps they have ſuddenly diſpoſed of great Part of their Intereſt in the ſaid Veſſels to Perſons not reſiding here, and have ſtill had the Benefit of the ſaid Clauſe, as if all the Owners had actually reſided here, after ſuch Sale, to the defrauding of the Public: For prevention of which Abuſes for the future, it is prayed that it may be Enacted,

Reſident Owners of any Ship or Veſſel, ſhall make Oath before the Naval Officer.

II. And be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Owner or Owners of every Ship or Veſſel reſiding in this Province, ſhall be obliged, either at the Time of Entry of ſuch Ship or Veſſel, or ſome Time before her Clearance, to apply him or themſelves to the Naval Officer of the Diſtrict where ſuch Ship or Veſſel ſhall load or unload, which Officer aforeſaid is hereby impowered

impowered and obliged to tender to, and such Owner or Owners are hereby obliged to take, the following Oath, *viz.* CHAP. XXVI.

Form of the Oath.

"*You* A. B. C. *do swear that you are the true and only Owners of the Ship* "E. *and have continued so, ever since the Time of the purchasing the Register by* "*you now produced; and that you have not purchased the said Vessel, nor obtained* "*the Register aforesaid, to the Use of, or in Trust for, any other Person or Persons* "*whatsoever, nor for the Sake of evading the Payment of any Duties, in Favour* "*of any Person or Persons whatsoever, that are not actually Residents within this* "*Province.*"

By 1731, *ch.* 18, §. 2, the above Oath may be taken by the Owners of any Vessel who live remote from a Naval Officer, before a Magistrate in any County where such Owners reside; and a Certificate thereof under the Hand and Seal of such Magistrate, shall be as effectual, *&c.* as if taken before the Naval Officer, if delivered to the Naval Officer before Clearing the Vessel. And by §. 4, of the same Act, Owners residing in different Counties may make separate Oath in the Manner therein prescribed, a Certificate whereof as before, shall be effectual, *&c.*

III. **Provided**, That in case any Inhabitant of this Province, Owner as aforesaid, shall depart this Province, and go beyond the Seas about his reasonable Affairs, and shall not be absent therefrom for above the Space of Twelve Months, in case any Vessel should happen in his Absence to require his Oath as aforesaid, such absent Person's Oath in such case may be dispensed withal, the other Owners Residents (if any there be) taking the same Oath, and the Benefit intended by the said beforementioned Act shall be allowed to the Owners of such Vessels.

Proviso in Favour of Resident Owners, when beyond Seas.

IV. **Provided nevertheless**, That in case any Owner or Owners, Residents of this Province, shall refuse to comply with the Directions laid down hereby, it shall in no wise be lawful for the Naval Officer aforesaid, to give any Benefit or Benefits to the said Owner or Owners, but they are hereby declared to stand on the same Foot with Persons Non-residents, trading into this Province; any Law, Usage or Custom to the contrary in any wise notwithstanding.

Resident Owners, not complying, shall stand on the same Foöt as Non-Residents.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVII.

An Act for the Relief of Mareen Duval, *a languishing Prisoner in* Prince-George's *County*. *Lib.* LL. N° 4. *fol.* 507. *PR.*

Passed 27th *October* 1720.

CHAP. XXVIII.

An Act impowering Messieurs William Clayton, *of* Talbot *County*, *and* James Earle *and* Willam Turbutt, *of* Queen-Anne's *County*, *to sell off the Lands of* Robert Smith, *Esq*; *late of* Talbot *County aforesaid*, *deceased*, *to pay to* Richard Cole, *of* Queen-Anne's *County*, *and* Mary *his Wife*, *the Daughter and Heir of* Renatus Smith, *deceased*, *the surviving Executor of the said* Robert Smith, *deceased*, *what the said* Renatus Smith *paid on Account of the said* Robert Smith, *more than Effects came to his Hands*; *and for the Payment of his other Debts*. *Lib.* LL. N° 4. *fol.* 511. *PR.*

Ditto.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 18th Day of *July*, in the 7th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1721, were Enacted the Laws following.

CHARLES CALVERT, Eſq; Governor.

CHAP. I.

Paſſed 5th *Auguſt* 1721.

An Act for reviving of an Act, entitled, [a] *An Act for raiſing a Duty of Threepence per Hogshead on all Tobacco exported out of this Province, for the Uſes therein mentioned. Lib.* LL. N° 4. *fol.* 516. *EXP.*

[a] 1720, *ch.* 15, hereby continued 'til 29th *September* 1723.

CHAP. II.

Ditto.

An Act for reviving and continuing an Act of Aſſembly, entitled, [b] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law. Lib.* LL. N° 4. *fol.* 517. *EXP.*

[b] 1714, *ch.* 4, hereby continued 'til 29th *September* 1723.

CHAP. III.

Ditto.

An Act reviving and continuing the [c] *Act for aſcertaining the Gauge and Tare of Tobacco Hogsheads,* &c. *Lib.* LL. N° 4. *fol.* 517. *EXP.*

[c] 1717, *ch.* 7, hereby continued 'til 29th *September* 1723.

CHAP. IV.

Ditto.

A Supplementary ACT to the * Act for Stay of Executions after the Tenth Day of *May*, yearly. *Lib.* LL. N° 4. *fol.* 518.

* 1716, *ch.* 33.

Preamble, ſetting forth the Defects of the original Act of 1715, *ch.* 33.

WHEREAS at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April*, *Anno Domini* One Thouſand Seven Hundred and Fifteen, it was thought neceſſary for the Good and Quiet of the Inhabitants of this Province, to enact a Law, entitled, *An Act for the Stay of Execution after the Tenth Day of* May *yearly:* But foraſmuch as by the aforementioned Law there is no Proviſion made for the Stay of any Execution iſſuing out of the High Court of Appeals, the High Court of Chancery, the Commiſſary's Court, nor of ſmall Debts recovered before any one of the Juſtices of the County Courts; and this preſent General Aſſembly having taken the ſame into their ſerious Conſideration, think it but juſt and reaſonable, that all Executions iſſuing out of the Courts aforeſaid, or Judgments in ſmall Debts recovered before a Juſtice of the Peace, ſhould be under the ſame Reſtrictions and Limitations, as to the Stay of Execution yearly, as thoſe iſſuing out of the Provincial and County Courts: It is therefore prayed that it may be Enacted,

Stay of Execution extended to Judgments, &c. in the Court of Appeals, Chancery, Commiſſary's Court, or before a ſingle Magiſtrate.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, and after the Tenth Day of *May* in any Year, that in all Judgments or Decrees whatſoever, obtained in the High Court of Appeals, the High Court of Chancery, the Commiſſary's Court, or of ſmall Debts before a Juſtice of the Peace, againſt any Perſon whatſoever, the Perſons againſt whom ſuch Judgments or Decrees have been, or ſhall hereafter be obtained, ſhall have the ſame Liberty and Advantage, in the ſame Manner, and before the ſame Perſons, of Staying ſuch Executions, purſuant to the Directions of the aforementioned Act, in as full and ample Manner to all Intents and Purpoſes, as if they had been particularly mentioned therein. And that

that the Justice or Justices before whom Judgment for the Stay of Execution shall be confessed, shall make due Return of such Judgments to the Clerks or Registers of the Courts where such Judgments or Decrees were obtained, by them to be entered upon Record: And that the Judgments confessed for Stay of Execution for small Debts, recovered before a Justice of Peace, the Justice before whom such Judgment is confessed, shall make Return thereof to the Clerk of the County Court, who is likewise to enter the same upon Record: For entering of such *Supersedeas* as aforesaid, the several Clerks and Registers shall receive the same Fees mentioned in the before mentioned Act. CHAP. IV. Judgments confessed for Stay of Execution, how to be returned and recorded.

III. And that the several Clerks or Registers of the several Courts aforementioned, after the [a] Tenth Day of *November* in any Year, may (on Application to them made, and they are hereby impowered and required to) issue Execution, as well against the Principal as Sureties, for the Recovery of the several Sums in such *Supersedeas* mentioned; in the same Manner as by the aforementioned Act is directed. After the 10th *Feb.* (*See the Note*) Execution may issue.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

[a] The 10th Day of *February* by 1728, *ch.* 24, §. 5.

CHAP. V.

An Act for the Naturalization of Joseph Lazear, *and* Gustavus Hesselius, *of* Prince George's *County, and their Children; and also* Christian Geist *of the City of* Annapolis, *Gent. Lib.* LL. N° 4. *fol.* 520. *PR.* Passed 5th *August* 1721.

CHAP. VI.

An Act to confirm the Lands devised by Robert Anderson, *of* Prince George's *County, deceased, unto his Three Sons,* Robert Anderson, Cuthbert Anderson, *and* James Anderson, *in Fee-simple, to them and their Heirs and Assigns for ever. Lib.* LL. N° 4. *fol.* 521. *PR.* Ditto.

CHAP. VII.

An Act impowering the Justices of Prince George's *County, to levy Twelve Pounds of Tobacco per Poll on all Taxables within the said County, for the Finishing their Court-house, and Building a Public Prison for the Use of the said County. Lib.* LL. N° 4. *fol.* 522. Ditto.

CHAP. VIII.

An Act for preventing the making of Trashy Tobacco, and for the Bettering the Staple of this Province. Lib. LL. N° 4. *fol.* 523. *EXP.* Ditto.

To be in Force 3 Years, &c. An Explanatory Act was made the succeeding Session in this Year, *ch.* 17; and both expired in *November* 1724.

CHAP. IX.

An ACT relieving and freeing the Inhabitants of this Province, and Others, removing their Families from any other Countries or Colonies, to settle and inhabit within this Province, from paying the Duties and Impositions on Negroes for any of their Domestic Slaves. *Lib.* LL. N° 4. *fol.* 526. Ditto.

WHEREAS by an Act of Assembly, made at a Session of Assembly begun and held at the City of *Annapolis*, the Twenty-sixth Day of *April*, Seventeen Hundred and Fifteen, entitled, *An Act laying an Imposition on Negroes, and on several sorts of Liquors imported, and also on* Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province*, an Imposition was laid of Twenty Shillings Sterling for every Negro imported by Land or Water into this Province. And also by another Act of Assembly, made at a Session of Assembly begun and held at the City of *Annapolis*, the Twenty-eighth Day of *May*, Seventeen Hundred and Seventeen, entitled, *An Act for laying an additional Duty of Twenty Shillings Current Money per Poll on all* Irish *Servants, being Papists, to prevent the Growth of Popery by the Importation of too great a Number of them into this Province; and also the additional Duty of Twenty Shillings Current Money per Poll on* Preamble. Recital of the Act of 1715, *ch.* 36, §. 8, and 1717, *ch.* 10, §. 3.

CHAP. IX.

all Negroes, for raiſing a Fund for the Uſe of the Public Schools within the ſeveral Counties of this Province, an Impoſition was laid of Twenty Shillings Current Money per Poll on all Negroes imported into this Province. But foraſmuch as it hath been repreſented to this General Aſſembly as an Aggrievance and Hardſhip, that any the Inhabitants within this Province, having Eſtates in any of the neighbouring Colonies, cannot have the Liberty of removing their Negroes from their Plantations in any the neighbouring Colonies, to work upon their Lands and Plantations in this Province, without paying the Impoſitions mentioned in the aforementioned Acts; and likewiſe that it very much tends to the hinderance and preventing of many conſiderable Families from coming into and ſettling in this Province, that upon their coming they muſt be obliged to pay the Impoſitions as aforeſaid, for all their domeſtic Slaves: For Remedy whereof, it is prayed that it may be Enacted;

No Duty payable by Inhabitants, or new Settlers on Importation of their own proper domeſtic Slaves.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and by the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, no Perſon or Perſons now inhabiting, or that ſhall hereafter import themſelves with their Families to ſettle and inhabit within this Province, and ſhall have Occaſion to bring into, or import with them, any Negro or Negroes, being their own proper and domeſtic Slaves, and deſigned to be kept and employed by them in their own Service, ſhall be liable to pay the Impoſition Money laid on all Negroes imported into this Province by the aforementioned Acts: Provided the Owner of ſuch Negroes, ſhall, within Two Days after the Importation of ſuch Negro or Negroes, repair to the Naval Officer of the reſpective Port whereunto ſuch Negroes ſhall be imported into this Province, and make due Entry of ſuch Negro or Negroes by their proper Names, as their proper domeſtic Slaves; and likewiſe give Bond, with one good Security, to be taken in his Lordſhip's Name, by ſuch Naval Officer, in the Sum of Five Hundred Pounds Current Money, that ſuch Owners ſhall not ſell or diſpoſe of any ſuch Negro or Negroes, for and during the Space of Three Years after ſuch Entry made as aforeſaid: And the Naval Officer, upon making ſuch Entry and taking Bond as aforeſaid, is hereby enjoined to give ſuch Owners a Certificate of their having made due Entry of ſuch Negroes, and giving Bond. Which Certificate ſhall be a ſufficient Juſtification and Exemption to the Owner of ſuch Negroes, from paying the Impoſitions on Negroes aforementioned: And ſuch Owner is hereby obliged to pay the Naval Officer for every ſuch Entry, Bond and Certificate, the uſual Fees allowed them by Act of Aſſembly.

But they ſhall be entered with the Naval Officer, and Security given not to be diſpoſed of for 3 Years, &c.

If ſold by an Executor, &c. within that Time, Duty ſhall be paid.

III. **And foraſmuch** as it may ſo happen, that upon the Death of the Owners of Negroes entered and exempted from paying the Duties as aforeſaid, ſuch Negroes may fall into the Hands of the Executors or Adminiſtrators, within the Time above limited, who may be under a Neceſſity of ſelling and diſpoſing of ſuch Negroes, that then, in every ſuch Caſe, ſuch Executor or Adminiſtrator, firſt paying to the Naval Officer of the ſaid Port the Impoſition Money of Twenty Shillings Sterling, and Twenty Shillings Currency, laid on Negroes by the aforementioned Acts, and taking a Permit from ſuch Naval Officer, may, within the Time by this Act limited, ſell and diſpoſe of ſuch Negroes; any thing in this Act to the contrary notwithſtanding.

Who ſhall be deemed Inhabitants.

IV. **And** for removing any Doubts or Diſputes that may hereafter ariſe concerning the Perſons who ſhall be taken for, and deemed Inhabitants of this Province, ſo as to reap the Benefit and Advantage of the ſeveral Laws as Inhabitants; **It is hereby Declared,** That no other Perſon is hereby intended, but ſuch as have actually lived and inhabited within this Province for the full Term of Three Years; and that they only ſhall reap the Benefits and Advantages

Advantages as aforesaid, in their own Right, and not otherwise. The Privileges allowed by this Act always excepted. CHAP. IX. This Act only excepted.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. X.

An Act for the Relief of John Connaway *of* Ann-Arundel *County, a languishing Prisoner. Lib.* LL. N° 4. *fol.* 528. *PR.* Passed 5th *August* 1721.

CHAP. XI.

An Act reviving and continuing an Act, entitled, An Act for regulating of Ordinaries. Lib. LL. N° 4. *fol.* 531. *EXP.* Ditto.

1717, *ch.* 1, hereby continued till the 29th *Sept.* 1723.

CHAP. XII.

An Act to impower his Honour the Governor, for the Time being, to appoint any Person or Persons whatsoever, to re-survey the Indian's *Lands, and ascertain the Bounds thereof. Lib.* LL. N° 4. *fol.* 531. Ditto.

N. B. The Commission granted under this Act was to continue in Force for 3 Years; but the Proceedings and Determinations thereon, were to remain Perpetual. In pursuance whereof, the Honourable *Phil. Lloyd*, Esq; Col. *Richard Tilghman*, and Col. *Matthew Tilghman Ward*, were appointed Commissioners, and their Survey was confirmed by the Act of 1723, *ch.* 18; as being agreeable to the original Grant of 1669, *ch.* 1.

CHAP. XIII.

An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year, One Thousand Seven Hundred and Twenty-one. Lib. LL. N° 4. *fol.* 532. Ditto.

CHAP. XIV.

An ACT to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governor and Council. *Lib.* LL. N° 4. *fol.* 533. Ditto.

WHEREAS it is represented as an Aggrievance, the dilatory Proceedings and Continuances of Actions, in several of the Courts of this Province; For Remedy whereof for the future; **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all Actions now depending in any of the Courts of Law within this Province, as well as all other Actions to be commenced, may be continued to the End of the Fourth Court after the Appearance Court, in any of the Courts aforesaid, and no longer, (except in Causes where Evidences are wanted from beyond Sea) which is left to the Discretion of the Court where such Case shall happen; and that it shall and may be lawful for the several Courts aforementioned, upon the Discontinuance of any Action or Actions aforesaid (if by the Act or Default of the Plaintiff) to award him to pay the Costs; but, if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; and if thro' the Default of any Attorneys neglecting their Duty in bringing Causes to a Decision, within the Time limited by this Act, in all and every such Case, every Attorney so neglecting his Duty, to the Prejudice of his or their Client, shall, for every such Neglect in the Provincial Court, forfeit the Sum of Five Thousand Pounds of Tobacco: And for every Neglect in the County Court, the Sum of Two Thousand Pounds of Tobacco, and all Costs of Suit accrued on any Action discontinued by Default of such Attorney. One Half of the aforesaid Fines to the Party grieved, the other Half to his Lordship the Lord Proprietary, to be appropriated to and for the Use and Benefit of a Public or Free-School of the County where such Fines arise; to be recovered (in his Lordship's Name) in any of the Courts of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed, and but one Imparlance: Provided that the

Actions not to be continued longer than to the End of the fourth Court after the Appearance.

Exception.

What Judgment shall be given on Discontinuance of Action.

If thro' Default of any Attorney,

Penalty.

CHAP. XIV.

Proviſo: Time of Continuance of any ſuch Suits in the Courts of Law, by Injunction in Chancery, or by allowing Infants the Benefit of the Parole-Demurr, be not accounted as Part of the Time of Limitations aforeſaid.

Depoſitions of Seafaring Men, how to be taken and admitted as Evidence.

II. And whereas it often happens that Actions are delayed by Reaſon the Evidences in ſuch Suits are Seafaring Men, or others, whoſe Buſineſs and Employments call them out of this Province when ſuch Actions ſhould regularly come to Trial; Be it therefore further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That the Depoſitions of any ſuch Seafaring Men, or others, taken before Two Juſtices of any County Court of this Province, or one of the Juſtices of the Provincial Court, in the Preſence of the adverſe Party to him that requires ſuch Depoſitions to be taken, if upon due Notice he thinks fit to be preſent, or upon Notice to refuſe to be preſent, (the Notice being proved) ſhall be received as good Evidence in any of the Courts within this Province, as if ſuch Evidence were perſonally preſent upon the Trial, and ſhould deliver the ſame *Vivâ Voce*.

Appeals from Chancery to the Governor and Council.

III. And be it further Enacted, *by the Authority aforeſaid*, That from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful for any Perſon or Perſons that ſhall conceive themſelves aggrieved by any Decree of the Chancery Court, to have an Appeal to the Governor and Council of this Province, for the Time being, wherein each Member ſhall have a full Voice.

The Act of 1718, *ch.* 10,

IV. And be it further Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That one Act of Aſſembly, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ſecond Day of *April*, *Anno Domini* One Thouſand Seven Hundred and Eighteen, entitled, *An Act to limit the Continuance of Actions in ſeveral Courts within this Province, and aſcertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery Court to the Governor and Council*; and one

and 1720, *ch.* 20,

other Act made at a Seſſion of Aſſembly begun and held at the aforeſaid City of *Annapolis*, the Eleventh Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Twenty, entitled, *A Supplementary Act to the Act to limit the Continuance of Actions in ſeveral Courts within this Province, and aſcertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chantery Court to the Governor and Council*, be, and

repealed.

are hereby utterly repealed and made void.

Some Proceedings in the Provincial Court, this Year, aided.

V. And be it alſo Enacted, That all Actions that were continued in the Provincial Court from *October* Court to *April* Court laſt, and from the ſaid *April* Court to *Auguſt* or *October* this preſent Year, and all other Proceedings in the ſaid *April* Court that were poſtponed, continued or referred to the Second Tueſday of *Auguſt* this preſent Year, be, and are hereby continued to the ſaid Second Tueſday of *October*; any Thing in this, or any former Act for limiting the Continuance of Actions to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, the 20th, and ended the 28th Day of *February*, in the Seventh Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1721, were Enacted the Laws following, *viz.*

CHARLES CALVERT, Eſq; Governor.

CHAP. XV.

An Act for the Naturalization of Albert Greening, *and* John Oeth, *of* Ann-Arundel *County*. *Lib.* LL. N° 4. *fol.* 536. *PR.* Paſſed 28th *Feb.* 1721.

CHAP. XVI.

An Act inveſting an Eſtate of Inheritance in Fee-ſimple of Twelve Hundred Acres, Part of a Tract of Land called New-Munſter, *lying on* Elk *River in* Cæcil *County, in* Richard Thatcher *of* Cæcil *County, to him and his Heirs and Aſſigns for ever; and Three Hundred Acres more, Part of the ſaid Tract of Land called* New-Munſter, *in* Peter Maſſey *and* Sarah *his Wife, to them and their Heirs for ever*. *Lib.* LL. N° 4. *fol.* 537. *PR.* Ditto.

CHAP. XVII.

An Explanatory Act of ſome doubtful Expreſſions, and repealing ſome Clauſes in and of an Act of Aſſembly, entitled, [a] *An Act for preventing the making of Traſhy Tobacco, and for the Bettering the Staple of this Province: And for ſupplying ſome Defects therein*. *Lib.* LL. N° 4. *fol.* 539. *EXP.* Ditto.

[a] Made the preceding Seſſion this preſent Year, *ch.* 8, which is expired.

CHAP. XVIII.

An Act for the Relief of Robert Tivis, Andrew Caſtlo, *and* Gilbert Poulſon, *languiſhing Priſoners in* Ann-Arundel *County*; George Sexton, *a languiſhing Priſoner in* Queen-Anne's *County*; *and* John Robinſon, *a languiſhing Priſoner in* Talbot *County*. *Lib.* LL. N° 4. *fol.* 544. *PR.* Ditto.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, the 9th Day of *October*, and ended the 3d Day of *November*, in the 8th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1722, were Enacted the following Laws, *viz.* 1722.

CHARLES CALVERT, Eſq; Governor.

CHAP. I.

A further Supplementary Act to the [a] *Act for Killing Wolves, Crows and Squirrels*. *Lib.* LL. N° 4. *fol.* 549. *REP.* Paſſed 3d *Nov.* 1722.

[a] 1713, *ch.* 13, which, together with its Supplementary Acts, was repealed by 1728, *ch.* 7.

CHAP.

CHAP. II.

Passed 3d Nov. 1722. *An Act for the Relief of* Francis Gandevit *and* John Read, *both of the City of* Philadelphia. *Lib.* LL. N° 4. *fol.* 551. *PR.*

CHAP. III.

Ditto. *An Act for uniting Part of* St. Paul's *Pariſh in* Baltimore *County, to* Weſtminſter *Pariſh in* Ann-Arundel *County. Lib.* LL. N° 4. *fol.* 553.

N. B. By this Act, from and after the 1st *December* next, the South Side of *Patapſco* River, in *Baltimore* County, from the Mouth thereof to the lower Wading Place over the Falls at the Head thereof, and from thence with a ſtrait Line to the Girdle Pines, dividing *Ann-Arundel* and *Baltimore* Counties, and with that dividing Line to the Bay of *Cheſapeake*; then with the Bay to the Mouth of *Patapſco* River; ſhall be divided and taken from the ſaid Pariſh called *St. Paul's* in *Baltimore* County aforeſaid, and be united unto *Weſtminſter* Pariſh in *Ann-Arundel* County, &c.

CHAP. IV.

Ditto. An ACT to confirm Lands deviſed for the Uſe of the Church. *Lib.* LL. N° 4. *fol.* 555.

Preamble. WHEREAS for a conſiderable Time (from the firſt Settlement of this Province) there were few or no Miniſters to diſpenſe the Word and Sacraments, that the Country was in an unſettled Condition as to Religion, and few or no Pariſhes erected during that Time: And whereas ſeveral pious and well diſpoſed Perſons, for promoting the Proteſtant Religion, and for Encouragement of Miniſters, have given or deviſed ſeveral Parcels of Land for that Uſe; but that notwithſtanding the good Intent of ſeveral of the Deviſors have been fruſtrated through the Negligence or Unſkilfulneſs of the Writers of Wills, which is a great Injury to the Church, and has and may be a Diſcouragement to Perſons charitably inclined, to give any Lands for Glebes where they are wanted, as they are in many Pariſhes; which makes the Incumbent unſettled and reduces him to Streights as to his Reſidence: For Remedy whereof for the future;

Deviſes of Lands, &c. to the Uſe of any Church, &c. in general Words, ſhall be good in Law.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That any Perſon or Perſons, being of ſound and diſpoſing Mind and Memory, that have heretofore deviſed, or ſhall hereafter deviſe, any Lands or Tenements to the Uſe of any Church or Chapel within this Province, or for Support or Maintainance of the Clergy or Miniſtry of the Church of *England*, as by Law eſtabliſhed, or to the Uſe of the Church, or Support of the Proteſtant Religion in general, without particularly mentioning to what Church, Chapel or Perſon, ſhall be good and effectual in Law, notwithſtanding ſuch Omiſſion, or any Ambiguity or Uncertainty in the Wording of any Will, if the Intent of the Teſtator can be reaſonably collected from the Words of the Will.

Where the Intent of the Teſtator is at large, the Land, &c. ſhall go to the Pariſh, &c. wherein it lies.

III. **And** for putting an End to Diſputes about the Right to ſuch Lands; **Be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That where the Intent of the Teſtator is at large, and it does not appear to what Church, Chapel or Perſon he deviſed ſuch Land, in ſuch caſe the Land ſo deviſed, ſhall go to the Pariſh or Incumbent where ſuch Land lies, in the ſame Manner as Glebes are commonly held; and that no Want or Inſufficiency of Words, (where the Intent appears) ſhall defeat ſuch Pariſh or Incumbent of ſuch Land.

Such Will to be ſigned by three Witneſſes, and duly proved.

IV. **Provided nevertheleſs,** That this Law ſhall in no wiſe affect any Lands that have been heretofore diſputed in Law, or Eſcheated, or about which there is at this Time any Conteſt or Law-Suit depending. **And provided likewiſe,** That ſuch Will or Wills, have, and ſhall be Signed by the Teſtator ſo deviſing the ſame, or by ſome other Perſon in his Preſence, and by

by his expreſs Directions, in the Preſence of Three or more credible Witneſſes, and duly Proved. CHAP. IV.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

An ACT to regulate Proſecutions in Criminal Caſes. *Lib.* LL. N° 4. *fol.* 557.

Paſſed 3d *Nov.* 1722.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly of this Province, and the Authority of the ſame*, That from and after the Publication hereof, no Attorney-General, or Clerk of the Peace, or of Indictments, ſhall exhibit any Bills or Bill of Indictments to any Grand Jury againſt any Perſon whatſoever, without an expreſs Order from the Governor and Council, or from the Court where the Proſecution is to be, or ſome one of the Juſtices of ſuch Court, or unleſs the Offender be bound over to ſuch Court, or that the Grand Jury find or make a Preſentment of the Offence of their own Knowledge, upon Penalty of paying the Party grieved, all the Damages and Charges that ſhall be occaſioned by ſuch Proſecution; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

No Bill of Indictment to be exhibited to any Grand Jury, without expreſs Order, &c.

Penalty.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

An ACT for the Amendment of the Law, and the ſpeedier Advancement of Juſtice in relation to the Aſſeſſing of Damages. *Lib.* LL. N° 4. *fol.* 558.

Paſſed 3d *Nov.* 1722.

FOR the Amendment of the Law, and for the eaſier and ſpeedier Advancement of Juſtice; BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly of this Province, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, the Juſtices of every Court of Record in this Province, may aſſeſs Damages, and give final Judgment in all Actions of the Caſe, upon *Aſſumpſit*, whether the ſame ſhall be entered upon Default, Demurrer, *Nihil dicit*, *non ſum informatus*, or upon Confeſſion; and no ſuch Judgment ſhall be ſtaid or reverſed for or by Reaſon of not ſpeeding or executing a Writ of Enquiry of Damages; any Law, Uſage, or other Thing heretofore had, made, or uſed to the contrary notwithſtanding.

Any Court of Record may aſſeſs Damages, &c. on *Aſſumpſit*.

II. **Provided always, and be it Enacted**, *by the Authority aforeſaid*, That if either Party, Plaintiff or Defendant, ſhall, the ſame Court that Judgment ſhall be rendered, pray or inſiſt on a Writ of Enquiry of Damages, the ſame ſhall iſſue in ſuch Manner as if this Act had not been made; and if any Plaintiff ſhall inſiſt on a Writ of Enquiry of Damages, and refuſe to take Judgment for what the Defendant ſhall confeſs, the Plaintiff ſhall be at the Charge of ſuch Writ of Enquiry, if the Jury aſſeſs no more Damages than the Defendant ſo confeſs'd.

But Writ of Inquiry may iſſue at the Prayer of either Party.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VII.

An Act for continuing all Cauſes in the High Court of Appeals from the Court that was appointed to be held in July 1722, *for the Time therein mentioned.* *Lib.* LL. N° 4. *fol.* 559.

Paſſed 3d *Nov.* 1722.

CHAP.

CHAP. VIII.

Passed 3d Nov. 1722.

An ACT for preventing the Destroying of Boundaries, or Bounded Trees; and the Bounding of Trees, or setting up of Boundaries, without lawful Authority. *Lib.* LL. N° 4. *fol.* 560.

Preamble.

WHEREAS it appears to this present General Assembly, That many Abuses and Prejudices have happened to many of the Inhabitants within this Province, occasioned by private Persons taking upon themselves in a private Manner, the Bounding, or Re-bounding of Trees, whereon the Bounds either of their own Lands, or any other adjacent Lands, may have any Dependance; and also by the Bounding of Trees at Random in the Woods, the Multiplicity of which renders the true Boundaries of Lands very precarious and uncertain; and likewise by the cutting down or destroying of Bounded Trees, either of or upon their own Lands, or any others; For the Remedy of which Evils for the future;

No Person shall cut down any Boundary Tree of his own or other Person's Land.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same,* That from and after the End of this present Session of Assembly, it shall not be lawful for any Person or Persons whatsoever, within this Province, under any Pretence whatsoever, to cut down, or otherwise destroy, any Boundary, or Bounded Trees, either of his own Lands, or of the Lands of any other Person whatsoever, even although such Boundary or Bounded Trees should stand within the Person's own Land so cutting down and destroying the same, under the Penalty of Five Thousand Pounds of Tobacco for every Offence; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed.

Penalty.

Persons Bounding any Tree without lawful Authority, &c.

III. **And be it also further Enacted,** That if any Person or Persons whatsoever, shall, without lawful Authority, either at Random, or for their own Pleasure, presume to Bound any Tree or Trees in the Woods, or upon their own Lands, or that shall Bound any Tree or Trees, or set up other Boundaries for their own or others Land, in lieu and place of any original Boundary or Bounded Tree that is any way decayed or destroyed, without first giving Notice to all Persons concerned in such Boundaries, of the Time and Place proposed for setting up or making such new Boundary, or that upon the Failure of the Persons concerned in such Lands (upon Notice, or when Notice cannot be given) being present at the Time and Place appointed, shall not take with him Four substantial Freeholders of his Neighbourhood at the least, that may be present at the Bounding such Tree or Trees, or setting up such other Boundary, shall forfeit for every Time he, she or they shall be convicted thereof, the Sum of Five Thousand Pounds of Tobacco; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed: All which Fines aforesaid, to be recovered in his Lordship's Name, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

Penalty.

The Prosecutor's Duty.

IV. **And be it further Enacted,** That in all Prosecutions against any of the Offenders aforesaid, the Attorney-General, or Clerk of Indictments, in their Indictments or other Proceedings, shall be as particular as possible in describing the Place upon, or to whose Lands the Boundaries relate, which have been made, so set up, or destroyed, contrary to the true Intent of this Act.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. IX.

An Act to enable James Lloyd *and* Anne *his Wife, and* Deborah Pemberton, *surviving Executors of* Robert Grundy, *deceased, to convey the Lands and Water-Mill therein mentioned, according to the Sales thereof made by the Deceased in his Life Time. Lib.* LL. N° 4. *fol.* 561. *PR.* Passed 3d *Nov.* 1722.

CHAP. X.

A further Supplementary ACT to the * Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovery of Legacies, securing Filial Portions, and Distribution of Intestates Estates. *Lib.* LL. N° 4. *fol.* 563. Ditto. *1715, *ch.* 39.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That every Creditor having any Sum of Money, Quantity of Tobacco, or other Goods, due from the Estate of any deceased Person by Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, before the Executor or Administrator of the Debtor pay the same, shall be obliged to make a solemn Oath, or Affirmation if a Quaker, before some one Justice of the Provincial Court, one Justice of the Peace, the Commissary-General, or Deputy-Commissary, for the Time being, "*That no Part or "Parcel of the Money, Tobacco, or other Goods mentioned in such Judgment, "Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or "other Writing, hath been paid, nor any Thing else given or delivered towards "Satisfaction thereof, more than is taken Notice of and mentioned in such Oath or "Affirmation;*" and that what the Creditor shall confess on Oath or Affirmation to have received, shall be deducted out of the Debt, and the Residue paid by the Executor or Administrator having Assets.

Every Creditor of any deceased Person by Judgment, Recognizance, &c. or other Writing, shall first make Oath, &c.

and the Balance be paid by the Executor, &c.

II. And be it Enacted, That every Executor, or Administrator of a Creditor, shall before the Receipt or Recovery of any Debt due as aforesaid, from any other Executor or Administrator, Swear or Affirm, "*That the Creditor "(to the Knowledge of the Executor or Administrator, nor by any Book, Writing, "Account, or other Thing appearing to such Executor or Administrator,) did not "receive any Part or Parcel of the Debt more than is mentioned in such Oath or "Affirmation; and likewise that he or she hath not received any Part of the Debt, "or any Thing else towards Satisfaction thereof, more than he or she gives an Ac-"count of;*" which is always to be mentioned particularly in such Oath or Affirmation, and deducted as aforesaid.

Executors, &c. of Creditors, before Recovery of any Debt from other Executors, &c. shall make Oath, &c.

III. And be it also Enacted, That where any Creditor, or Executor or Administrator of a Creditor, shall obstinately refuse to swear or affirm according to the Directions of this Act, and will sue and implead the Executor or Administrator of the Debtor that shall offer, on its being done, to pay what shall appear to be really due, shall be Non-suit, and pay full Cost. Provided always, That such Non-suit shall not bar or estop the Plaintiff, to bring a new Action, if needful, first complying with the Directions of this Law; and that any Person that shall swear or affirm falsly in the Premises, and be thereof lawfully convict, shall incur the same Pains and Penalties as in case of wilful and corrupt Perjury.

Refusing to swear as aforesaid, shall be Non-suit, &c.

but not barred of a new Action.

False Swearing punishable as Perjury.

IV. And whereas several litigious Executors and Administrators, having enough in their Hands to satisfy all the just Debts of the Deceased, in Violation of their Duty, and the Trust in them reposed, have suffered themselves to be sued, presuming that the Deceased's Estate must be burthened with all the unnecessary Cost they vexatiously occasion, which has too frequently happened, to the great Delay of many honest Creditors, the Ruin of the legal

No Executor, &c. to be allowed Costs, without Certificate of the Court.

CHAP. X. Repreſentatives, and Diſ-reputation of the Deceaſed: For Remedy of which Evils for the future; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That no Executor or Adminiſtrator ſhall hereafter be allowed any Coſt of Suit, in any Action to be recovered againſt ſuch Executor or Adminiſtrator, out of the Deceaſed's Eſtate, unleſs the Court before whom the Action is brought, ſhall certify to the Commiſſary-General or Deputy-Commiſſary, that the Executor or Adminiſtrator had juſt or probable Cauſe or Reaſon for withſtanding ſuch Suit.

Deputy-Commiſſaries to give Bond.

V. **And be it further Enacted**, That every Deputy-Commiſſary ſhall enter into a Bond with ſufficient Sureties, (ſuch as the ſeveral County Courts, who are hereby impowered and directed to take the ſame, ſhall approve of, payable to the Lord Proprietor, in the Penalty of Two Hundred Pounds Sterling) for the due and juſt Execution of his Office; which Bonds ſhall be lodged in the Prerogative Office, and liable to be aſſigned and ſued, as the Sheriffs and other Public Officers Bonds are.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI:

Paſſed 3d *Nov.* 1722. *An Act for the Continuance of Proceſs in* Baltimore *County Court*. *Lib.* LL. N° 4. *fol.* 565.

CHAP. XII.

Ditto. An ACT for regulating Amerciaments in the Provincial and County Courts, and directing the Application of them; and for repealing Part of an Act, entitled, * An Act for the better Adminiſtration of Juſtice in the High Court of Appeals, Chancery, Provincial and County Courts of this Province; for the more ſpeedy Recovery of Debts; eaſy obtaining of Executions againſt Perſons abſenting from the Counties where the Judgments were recovered againſt them; for preventing Commiſſioners, Sheriffs, Sub-Sheriffs, and Deputy-Clerks, to plead as Attorneys in the reſpective Courts to which they belong; and for Amerciaments in the Provincial and County Courts. *Lib.* LL. N °4. *fol.* 565.

*1715, *ch.* 41.

Amerciaments in the Provincial Court 50lb Tobacco, to be applied as the Governor and Council ſhall direct; in the County Court, 30lb Tobacco, to be applied to the County Charge.

Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly of this Province, and the Authority of the ſame*, That every Plaintiff, not being an Executor, Adminiſtrator, or Minor, that ſhall be caſt in any Cauſe in the Provincial Court, or diſcontinue his Suit, ſhall be amerced Fifty Pounds of Tobacco, and every Defendant in the ſame Court, not being an Executor, Adminiſtrator, or Minor, that ſhall be caſt, if he imparles, ſhall be amerced Fifty Pounds of Tobacco; to be applied as the Governor and Council ſhall direct; and that every Plaintiff in the County Court, (not being an Executor, Adminiſtrator, or Minor,) that ſhall be caſt in any Cauſe, or ſhall diſcontinue the ſame, ſhall be amerced Thirty Pounds of Tobacco; and that every Defendant, not being an Executor, Adminiſtrator, or Minor, that ſhall be caſt, if he imparles, ſhall be amerced Thirty Pounds of Tobacco; to be applied to the defraying the County Charge; all which Amercements to be levied by the Sheriffs, by way of Execution, in the ſame Manner as the Public and County Levies are.

Defendants caſt the firſt Court, not liable.

II. **Provided**, That no Defendant ſhall be liable to any Amercement againſt whom Judgment ſhall be rendered the firſt Court.

III. **And be it further Enacted**, That one Clauſe of an Act, entitled, *An Act for the better Adminiſtration of Juſtice in the High Court of Appeals, Chancery,*

cery, Provincial and County Courts of this Province; for the more ſpeedy Recovery of Debts, eaſy obtaining of Executions againſt Perſons abſenting from the Counties where the Judgments were recovered againſt them; for preventing Commiſſioners, Sheriffs, Sub-Sheriffs, and Deputy-Clerks, to plead as Attorneys in the reſpective Courts to which they belong; and for Amercements in the Provincial and County Courts, that relates to Amercements, and the Application of them, ſhall be, and is hereby repealed.

CHAP. XII.

Repeal of a Clauſe, (*viz.* §. 10,) of the Act of 1715, *ch.* 41.

IV. **And be it likewiſe Enacted**, That it ſhall and may be lawful to and for the ſeveral and reſpective Juſtices of the County Courts within this Province, at their Diſcretion, where it ſhall appear to them that any Plaintiff or Defendant in any Action hereafter to be brought in any of the ſaid Courts, ſhall ſuffer by the Negligence or Omiſſion of the Attorney or Attorneys, to immediately adjudge ſuch Attorney or Attorneys to pay the lawful Coſts accruing from ſuch Plaintiff or Defendant through ſuch Negligence or Omiſſion, not exceeding Four Hundred Pounds of Tobacco; but if the Coſt ſhall ſurmount that Sum, then in every ſuch Caſe, the Plaintiff or Defendant ſhall be left to their Remedy at Common Law. And that every Attorney practiſing in any County Court whereof he is not an Inhabitant, ſhall be under the ſame Circumſtances as to any Recovery to be had againſt him, as though he was actually an Inhabitant of that County.

Penalty on Attorneys neglecting their Clients Cauſe in the County Court.

Attorneys liable to Actions in any County where they Practice.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIII.

An Act for the better Relief of poor Debtors. Lib. LL. N° 4. *fol.* 567. *EXP.*

Paſſed 3d *Nov.* 1722.

To be in Force 3 Years, &c. Continued 1725, *ch.* 4; 1728, *ch.* 6; 1732, *ch.* 20; 1736, *ch.* 3; expired in 1740; was again revived 1742, *ch.* 6; and 1746, *ch.* 3; and at length totally expired in 1750.

CHAP. XIV.

A Supplementary Act to the [b] *Act for repairing the Damages already ſuſtained in the Records of the Land, Secretary's, Commiſſary's, and County Court Offices, and for Security of the ſame Records for the future. Lib.* LL. N° 4. *fol.* 569.

Ditto.

[b] 1716, *ch.* 1.

N. B. By this Act (1.) *Thomas Bordley* and *Daniel Dulany*, Eſquires, were added to the former Commiſſioners. (2.) The ſeveral Officers to be obliged, in the ſame Sums, and in the ſame Manner, as preſcribed in the ſaid Act of 1716, *ch.* 1, for ſuch Books as the Commiſſioners ſhould adjudge to be then in good Repair; and a Clauſe to be in the Condition of every Bond to make the Officers anſwerable for every Book that ſhould be put in good Repair by Directions of the Commiſſioners, and delivered into the proper Office to which it belongs.

CHAP. XV.

Ditto.

An ACT directing how Fines ſhall be adjudged againſt ſuch as neglect to appear at Muſters. *Lib.* LL. N° 4. *fol.* 570.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That on Repreſentation made by the Head Officer that ſhall appear in the Field at any Time appointed for a Muſter, that any Perſons, not exempt by Law, ſhall not have made their Appearance according to his Warning or Summons provided as the Laws of this Province direct, it ſhall and may be lawful for any Two Field Officers of the County, to ſummons the Delinquent or others concerned; and on hearing and fully examining into his Offence and Excuſe, to cauſe him to be executed or excuſed, as ſhall be moſt juſt and moſt agreeable to the Intent of the Law, now in Force, for the better regulating the Militia.

Any 2 Field Officers may adjudge Fines and award Execution for not appearing at Muſters.

II. **Provided**, That in caſe any Perſon ſummoned to appear before ſuch Field Officers, ſhall not appear, or otherwiſe excuſe themſelves, it ſhall be lawful for ſuch Officers to judge their Caſe as on Default.

Judgment on Default.

III. **And be it further Enacted**, That an Act, entitled, *An Act for ordering and regulating the Militia of this Province, for the better Defence and Securi-*

CHAP. XV. The Act of 1715, *ch.* 43, revived and continued in full Force.

ty thereof, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April*, *Anno Domini* One Thouſand Seven Hundred and Fifteen, be, and is hereby revived and continued in full Force.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

Paſſed 3d *Nov.* 1722.

An ACT to prohibit the clandeſtine Running of Tobacco into any of the neighbouring Colonies. *Lib.* LL. No 4. *fol.* 571.

See the Inſpection Law of 1763, *ch.* 18, §. 57, 58, 59, for preventing the clandeſtine Running of Tobacco, whereby the Operation of this Act is at preſent ſuſpended.

Preamble.

WHEREAS ſeveral Perſons reſiding and trading within this Province, regardleſs of the common Intereſt thereof, for the ſake of their own private Advantage, carry large Quantities of Tobacco into ſeveral of the neighbouring Colonies without making any Entry thereof, paying the lawful Duties, or giving any Security to prevent its being carried into Places prohibited by Law, contrary to the manifeſt Intent of ſeveral Acts of Parliament, to the Prejudice of the Crown, and the Lord Proprietor, as well as the Diſcouragement of the Trade of the Province; To remedy which Evils,

Penalty on Perſons tranſporting Tobacco out of this Province, before Entry.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That no Perſon whatſoever, ſhall preſume to tranſport out of this Province, (by Land or Water) any Hogſhead, Package or Parcel of Tobacco, without firſt entering the ſame according to Law, with the proper Officers; and that whoever ſhall, without making ſuch Entry, carry or tranſport, or cauſe to be carried or tranſported, any Tobacco as aforeſaid, ſhall (for every Hogſhead or other Package,) forfeit Ten Pounds Sterling; and for every Parcel weighing Five Hundred Pounds of Tobacco, the like Sum, and ſo in Proportion for a greater or leſſer Quantity, one Half to the Lord Proprietor, the other Half to the Informer, or him that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed.

Tobacco put into any Boat, Cart, &c. to be carried into the neighbouring Colonies, without a Permit, ſhall be forfeited, &c.

III. **And be it Enacted**, That any Tobacco that ſhall be put on board of any Boat or other Veſſel, in any River or Creek within this Province, contiguous to any of the neighbouring Colonies, whence Tobacco hath been uſually carried into ſuch Colonies, or loaden on any Cart, Waggon, or other Land Carriage, in Places where it hath been uſual to carry, or convenient for the carrying the ſame by Land, to the Bay or River of *Delaware*, without firſt obtaining a Permit from the proper Officer, ſhall be forfeit, together with ſuch Boat, or other Veſſel, and the Cart, Waggon, or other Land Carriage, and Horſes or Oxen drawing the ſame; and that it ſhall and may be lawful for any Perſon, in Preſence or Abſence of any of the Officers hereafter mentioned, to ſeize them and every of them; one Half of the Forfeitures to the Lord Proprietor, the other Half to any Officer, or other Perſon, that ſhall ſeize, or cauſe the ſame to be ſeized. And that every Perſon that ſhall preſume to abuſe or reſiſt any Officer, or other Perſon, in the Execution of this Law, or convey away or remove any of the Things ſeized, ſhall for every Offence forfeit Ten Pounds Sterling; to be recovered and applied as aforeſaid.

Penalty for abuſing or reſiſting Officers, &c.

All Officers, Magiſtrates, &c. to put this Law in Execution, &c.

IV. **And** for the more effectual putting this Law in Execution; **Be it Enacted**, That every Officer of the Cuſtoms within this Province, Provincial Juſtice, Juſtice of the Peace, Sheriff, Under-Sheriff, Veſtry-man, Churchwarden, and Conſtable, and every of them, ſhall be, and are by this Act impowered, enjoined and required, reſpectively, to put this Act in Execution, and to be aiding and aſſiſting to every Perſon that ſhall make any Information or Seizure, on Pain of forfeiting Five Pounds Sterling for every Neglect or Omiſſion; to be recovered in the Manner, and to the Uſe aforeſaid.

V. And

V. And be it further Enacted, That where any Action shall be brought against any Person for putting this Law in Execution, the Defendant may plead the General Issue, and give the Special Matter in Evidence, and if a Verdict be found for the Defendant, or the Plaintiff be Non-suit, or discontinue his Action, the Defendant shall recover Treble Cost. CHAP. XVI. General Issue.

Examined and Compared with the Record, the Original being Defaced, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

An Act to enable Hugh Matthews *to sell a Tract of Land lying in* Queen-Anne's *County, called* Jones's Fancy, *whereof* Dennis Sullivane *died seized. Lib.* LL. N° 4. *fol.* 573. *PR.* Passed 3d *Nov.* 1722.

CHAP. XVIII.

An Act for the Relief of some Persons that have suffered by the Misconception of the Laws heretofore made to regulate the making of Tobacco. Lib. LL. N° 4. *fol.* 574. *PR.* Ditto.

CHAP. XIX.

An Act for the Limitation of Actions of Trespass and Ejectment. Lib. LL. N° 4. *fol.* 575. *DISSENT.* Ditto.

His Lordship's Dissent to this Act bears Date the 19th *March* 1722.

CHAP. XX.

An Act for the Relief of John M^c^Cleister *of* Somerset *County, Gent. Lib.* LL. N° 4. *fol.* 576. *PR.* Ditto.

CHAP. XXI.

An Act to enable Thomas Dent *of* Charles *County, and* Anne *his Wife, to sell Part of a Tract of Land lying in* Prince-George's *County, called* Locust-Thicket, *intailed on the said* Dent's *Wife, and her Heirs,* &c. *and for intailing other Lands in* Charles *County in lieu thereof. Lib.* LL. N° 4. *fol.* 577. *PR.* Ditto.

CHAP. XXII.

An Act for the Relief of William Griffin *and* William Jarvis, *languishing Prisoners in* Calvert *County; and* Robert Morris, *a languishing Prisoner in* Ann-Arundel *County. Lib.* LL. N° 4. *fol.* 580. *PR.* Ditto.

N. B. By Neglect of the Sheriff of *Calvert* County, this Act was never carried into Execution so far forth as relates to the Relief of *Griffin* and *Jarvis*; wherefore a new Act was made 1723, *ch.* 10.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, on the 23d Day of *September*, and ended the 26th Day of *October*, in the 9th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1723, the following Laws were Enacted. 1723.

CHARLES CALVERT, Esq; Governor.

CHAP. I.

An Act for reviving an Act, entitled, [a] *An Act for raising a Duty of Threepence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned. Lib.* LL. N° 4. *fol.* 584. *EXP.* Passed 28th *Sept.* 1723.

[a] 1720, *ch.* 1, hereby continued 'til the 29th *September* 1726.

CHAP.

CHAP. II.

Passed 28th Sept. 1723. *An Act reviving and continuing the* [b] *Act for aſcertaining the Gauge and Tare of Tobacco Hogsheads, &c. Lib.* LL. N° 4. *fol.* 585. *EXP.*

[b] 1717, *ch.* 7, hereby continued 'til the 29th *September* 1726.

CHAP. III.

Ditto. *An Act reviving and continuing an Act, entitled,* [c] *An Act for regulating of Ordinaries. Lib.* LL. N° 4. *fol.* 585. *EXP.*

[c] 1717, *ch.* 1, hereby continued 'til the 29th *September* 1726.

CHAP. IV.

Ditto. *An Act reviving and continuing an Act of Aſſembly, entitled,* [d] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law. Lib.* LL. N° 4. *fol.* 586. *EXP.*

[d] 1714, *ch.* 4, hereby continued Three Years, &c.

CHAP. V.

Ditto. *An Act for repealing the ſeveral Acts of Aſſembly now in Force in this Province, that give Allowance for killing Wolves, Crows and Squirrels, ſo far as they relate to the killing Crows and Squirrels only. Lib.* LL. N° 4. *fol.* 586. *REP.* 1728, *ch.* 7.

CHAP. VI.

Ditto. *An Act to prevent the great Evils ariſing by the Importation of Convicts into this Province; and for the better Diſcovery of ſuch when imported. Lib.* LL. N° 4. *fol.* 587. *DISSENT.*

His Lordſhip's Diſſent, dated 8th *June* 1724, was communicated to both Houſes on the 15th *October* 1725.

CHAP. VII.

Passed 26th *October* 1723. *An Act for the Relief of* John Makenzie *of* Talbot *County. Lib.* LL. N° 4. *fol.* 588. *PR.*

CHAP. VIII.

Ditto. An ACT for the Eaſe of the Inhabitants in examining Evidences relating to the Bounds of Lands; and in the Manner of obtaining Injunctions. *Lib.* LL. N° 4. *fol.* 588.

Preamble. WHEREAS the Bounds of Land in this Province depend chiefly upon marked Trees, which are ſubject to decay, or upon Bays, Rivers, Creeks or Branches, the Names whereof do frequently become obſolete or change; by which Means the true Bounds of ſuch Lands, (in proceſs of Time) become doubtful, and cauſe tedious and chargeable Law-Suits to the Owners thereof, and very often the Loſs of their Inheritance: Wherefore for the more eaſy Examination of Evidences in perpetual Memory, relating to Boundaries;

The County Court, on Petition, may grant a Commiſſion to 4 Freeholders, any Three or Two of which, being firſt ſworn, II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, upon the Petition of any Perſon ſeized or poſſeſſed of Lands, in his own or any other Right, to any of the ſeveral County Courts within this Province, where the Land lies, for a Commiſſion to examine Evidences, to prove or perpetuate the Memory of any the Bounds of ſuch Lands, or of any other Lands whereon the Lands he ſhall be ſo ſeized or poſſeſſed of, ſhall depend, or whereto they relate, it ſhall and may be lawful for the Juſtices of ſuch County Court, as often as any ſuch Petition ſhall be to them preferred, to grant a Commiſſion to Four ſubſtantial and capable Free-holders within the ſaid County, (not being any way related to any of the Parties, nor intereſted in the Land,) impowering them or any Three or Two of them, (they having firſt taken an Oath before the ſaid County Court, or ſome Magiſtrate, duly and impartially to examine and certify ſuch Evidences,) to iſſue Summons for all ſuch Evidences as ſhall be to them nominated by the Petitioner, or other Perſon concerned, to appear before

fore them at a certain Day by them to be appointed, upon the Lands the Boundaries whereof are to be proved, or perpetuated; and to examine all such Evidences upon their corporal Oaths, to be administered by such Commissioners, of their Knowledge concerning the several Bounds of such Lands; and carefully to reduce what the Evidences shall declare, into Writing, in the Presence of all the Parties concerned, that shall be there present; and return the same to the County Court where the Land lies, to be recorded in perpetual Memory. CHAP. VIII. may examine Evidences, concerning the Bounds of Lands, whose Depositions, shall be recorded,

III. **And be it Enacted**, That all Examinations of Witnesses that shall be taken, by Virtue of, and in Pursuance of this Act, shall be as good and available as if taken according to the Rules and Practice of the Court of Chancery, any Defect or Want of Form, or of filing or exhibiting a Bill, or any Law, Usage or Custom to the contrary notwithstanding. and stand good.

IV. **Provided always**, That the Commissioners to be appointed by Virtue of this Act, shall, (before their Meeting on such Land, where all Parties concerned live in the County, or where they are not known) affix public Notes at the Parish Church where the Land lies, Three Sundays at the least, before their Meeting, intimating their Intentions, and the Time they shall appoint, and shall cause the like Notes to be put up in the most public Places in the County, Twenty Days before such Meeting, and that where all Persons interested are known, and any one of them lives out of the County, that Notice shall be given by affixing a Note at the Church Door of the Parish in which the Party resides, Forty Days at the least, before such Meeting of the Commissioners; and that the Commissioners shall return a Certificate of having given Notice, directed by this Act, with the Examination of the Witnesses. The Commissioners to give public Notice of their Meeting. and return Certificate thereof, with the Examinations.

V. **And whereas** many Persons in the remoter Counties of this Province, having equitable Rights against the Recoveries of Law that happen against them in such Counties, but before the Inconveniency of their purchasing Injunctions, as the Practice stands at present, are obliged to submit to the Injuries they receive, or to procure Sureties to go with them to *Annapolis*, to enter into Bond in the Chancery Office, which is almost impracticable: For Remedy whereof, **Be it further Enacted**, That in case any Person shall think fit to proceed in Equity against any Verdict or Judgment rendered against him, on his Application to the County Court, it shall and may be lawful for such County Court to take sufficient Security from such Person, with Two sufficient Sureties, in not less than double the Debt and Costs recovered against him, for the due Prosecution of a Writ of Injunction in that case, according to the Form following, On Application of Persons having equitable Rights against Recoveries in Law, the County Court may take Security in the following

" *KNOW all Men by these Presents, That we* A. B. C. D. *and* E. F. *of* Form.
" *County, are held and firmly bound unto* R. M. *of* &c. *in the full and*
" *just Sum of to be paid to the said* R. M. *his Executors, Administra-*
" *tors or Assigns: To the true Payment whereof, we bind ourselves and every of*
" *us, our and every of our Heirs, Executors and Administrators, jointly and se-*
" *verally, for and in the Whole, firmly by these Presents, Sealed with our Seals,*
" *and dated this Day of* Anno Domini 17 "
" *Whereas the above bound* A. B. *hath obtained an Injunction to stay Proceedings*
" *at Law, on a Judgment rendered against him in County Court, by*
" *for Now the Condition of the above Obligation is*
" *such, That if the said* A. B. *shall prosecute the said Writ of Injunction with*
" *Effect, and satisfy and pay as well the said as all Costs, Damages,*
" *and Charge that shall accrue in the Chancery Court, or be occasioned by the De-*
" *lay of Execution on the said Judgment, unless the Court of Chancery shall de-*
" *cree to the contrary, and shall in all Things obey such Order and Decree as the*
" *Chancery Court shall make in the Premises, then the above Obligation to be void*
" *and of none Effect, else to be in full Force and Virtue.*"

And

CHAP. VIII. Which ſhall ſtay farther Proceedings, unleſs diſallowed by the Chancellor, &c.

And that ſuch Bond ſo given ſhall be a ſufficient *Superſedeas* and Stop to any further Proceedings in that caſe, until the Perſon againſt whom ſuch Chancery Relief is propoſed, ſhall obtain a Certificate from the Chancellor, or his Regiſter, of the Diſallowance of an Injunction in ſuch Caſe, or that ſuch Injunction has not been ſued out of the Chancery Office, within Two Months after ſuch Bond given, or if ſued out, that the ſame is diſſolved.

Allowance to the Commiſſioners and Evidences.

VI. **Provided always, and be it Enacted,** *by the Authority aforeſaid,* That the Commiſſioners and Evidences for their Service and Attendance, ſhall have, and be entitled to the ſame Allowances as Juſtices and Evidences in the County Courts are; and that the ſame ſhall be levied in the ſame Manner as Officers Fees are.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

Paſſed 26th *October* 1723. *An Act for the Relief of* George Robins, *of* Talbot *County, Gent. Lib.* LL. N° 4. *fol.* 590. *PR.*

CHAP. X.

Ditto. *An Act for the Relief of* William Jarvis *and* William Griffin, *languiſhing Priſoners in* Calvert *County. Lib.* LL. N° 4. *fol.* 590. *PR.*

See 1722, *ch.* 22.

CHAP. XI.

Ditto. An ACT repealing ſuch Part of an Act of Aſſembly, entitled,

*1704, *ch.* 27. * An Act for laying an Impoſition on ſeveral Commodities exported out of this Province, as relates to the laying an Impoſt or Duty on Furs and Skins only; and for laying an Impoſition on Pork, Pitch and Tar, in lieu thereof. *Lib.* LL. N° 4. *fol.* 591.

Such Part of the Act of 1704, *ch.* 27, as relates to the Duty on Furs and Skins only, is repealed.

Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That ſuch Part of an Act of Aſſembly, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis,* the Fifth Day of *September* Seventeen Hundred and Four, entitled, *An Act for laying an Impoſition on ſeveral Commodities exported out of this Province,* as relates to the laying an Impoſt or Duty on Furs and Skins only, be, and is hereby declared to be repealed.

The following Import-Duties to be paid by Non-Reſidents, towards the Maintainance of Free-Schools.

II. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That from and after the Publication hereof, no Perſon or Perſons whatſoever, not being Inhabitants within this Province, ſhall import any Pork, Pitch or Tar, into this Province, by Land or Water, from any other Colonies or Plantations, with Intent to ſell or diſpoſe thereof, but what the Importer or Importers ſhall pay unto his Lordſhip the Lord Proprietor of this Province, to be employed towards the maintaining a Free-School or Schools, within this Province, by the Rector and Viſitors of the Free-School, according to the Directions of an Act of Aſſembly relating to Free-Schools, made at a Seſſion of Aſſembly begun and held at *Annapolis, Anno Domini* Sixteen Hundred Ninety-five, entitled, *To the King's moſt Excellent Majeſty,* the Duties and Impoſts following, *(That is to ſay,)* For every Barrel of Pork, the Sum of One Shilling per Barrel, or for every Hundred Weight thereof Six-pence: For Pitch, One Shilling per Barrel: For Tar, Six-pence per Barrel; which ſaid ſeveral Impoſitions ſhall be collected by the ſeveral and reſpective Naval Officers within this Province, who are hereby required annually to render an Account of the ſaid Impoſitions to the Public Treaſurers of the Province, for the Time being, who ſhall, and are hereby authorized and impowered to receive the ſame, and render an Account thereof to the General Aſſembly of this Province, to the Uſes, Intents and Purpoſes aforeſaid.

Pork per Barrel, 1 *s.* per C. Wt 6 *s.* Pitch per Barrel, 1 *s* Tar per Barrel, 6 *d.*

III. And

III. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That no Pork, Pitch or Tar, upon which the Duties aforeſaid are aſſeſſed, ſhall be Landed or put on Shore out of any Veſſel which ſhall import the ſame, or any other, without due Entry of the ſame with the Officer thereby appointed (upon Oath or Teſt of the ſaid Perſon or Perſons importing of any of the aforeſaid Commodities) for collecting the ſame, in the Port or Place where ſuch Commodity ſhall happen to be imported as aforeſaid, or before the Duty due and payable for the ſame be ſatisfied, or ſecured to be ſatisfied, and a Warrant for the landing or vending thereof be ſigned by the Officer for that Purpoſe appointed; upon Pain and Peril that all ſuch Commodities landed, vended, or put on Shore, contrary to the true Intent and Meaning of this Act, ſhall be forfeited and loſt, or the full Value thereof, the one Half to be appropriated towards the Uſe of Public Schools in the ſeveral Counties, the other Half to the Informer, or him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed. CHAP. XI. Such Pork, &c. landed without Entry, &c. to be forfeited, or the value.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XII.

An Act for the Advancement of Juſtice. Lib. LL. N° 4. *fol.* 592. *EXP.* Paſſed 26th *October* 1723.

To be in Force 3 Years. Continued 1727, *ch.* 5; 1731, *ch.* 1; and 1735, *ch.* 18; and with its Supplementary Act of 1730, *ch.* 10; and Explanatory Act 1732, *ch.* 6, expired in 1740.

CHAP. XIII.

An Act for the Relief of Elizabeth Major *of* Prince-George's *County, by impowering her, notwithſtanding her Coverture, to leaſe for her Life the Lands therein mentioned. Lib.* LL. N° 4. *fol.* 595. *PR.* Ditto.

CHAP. XIV.

A Supplementary Act to an Act, entitled, [c] *An Act declaring the Rights of Three Lots originally laid out in* Annapolis, *for the Uſes therein mentioned. Lib.* LL. N° 4. *fol.* 596. Ditto.

[c] 1718, *ch.* 8.

CHAP. XV.

An ACT to prevent the tumultuous Meetings, and other Irregularities of Negroes and other Slaves. *Lib.* LL. N° 4. *fol.* 596. Paſſed 26th *October* 1723.

Supplementary, &c. Acts, are 1751, *ch.* 14; and 1753, *ch.* 26.

WHEREAS this preſent Seſſion of Aſſembly have had under their Conſideration, the evil Conſequences that do and may attend the ſuffering of Negro and other Slaves, to meet in great Numbers on Sabbath and other Holy-Days, and keeping of Horſes, Cattle or Hogs of their own. Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of the ſeveral and reſpective County Courts within this Province, be, and they are hereby impowered and required, immediately after the Publication of this Act, and ſo yearly in *November* Court, to appoint the Conſtable of every Hundred, where the ſaid Juſtices, at their Diſcretion, ſhall think proper and expedient, to ſuppreſs the Aſſembling and tumultuous Meeting of Negroes and other Slaves; and that every Conſtable ſo to be appointed, ſhall be obliged to repair once a Month, to all ſuſpected Places within his Hundred; and if at any ſuch Place he ſhall find any Negroes or other Slaves, beſides the Negroes or other Slaves, belonging to the Owner of ſuch Place, not having a Licence under their Owner or Overſeer's Hand, that it ſhall and may be lawful for the Conſtable, and he is by this Act required, to whip every ſuch Negro on the bare Back, at his Diſcretion, not exceeding Thirty-nine Stripes. County Courts may appoint Conſtables to ſuppreſs the tumultuous Meetings of Slaves. The Duty and Power of Conſtables, ſo appointed,

III. **And** to the End that every Conſtable may be enabled to put this Act in due Execution; **Be it Enacted**, That it may be lawful for the Conſtable

CHAP. XV.

to require as many Perſons as may be neceſſary, to repair with him to ſuch Places, and that every Perſon that ſhall be ſo required, and ſhall refuſe, ſhall forfeit One Hundred Pounds of Tobacco, to be recovered and applied as hereafter expreſſed; and all White Perſons (being Free) that ſhall be preſent, ſhall aid and aſſiſt ſuch Conſtable, on Pain of forfeiting One Hundred Pounds of Tobacco to the Lord Proprietor, one Half to the Uſe of the County, and the other to the Informer, on being convict by the Oath of the Conſtable, or other lawful Witneſs, or Confeſſion of the Party before any Magiſtrate; and that all Negroes and other Slaves, belonging to the Owner of the Place where ſuch Aſſembly ſhall be, if required, ſhall aid and aſſiſt the Conſtable in putting this Act in Execution, on Pain of being Whipped each of them with Thirty-nine Stripes on the bare Back.

May preſs Aſſiſtance. Penalty on White Perſons refuſing to aid. On Slaves belonging to the Plantation.

IV. **And be it Enacted,** That every Conſtable that ſhall be appointed to put this Act in Execution, ſhall be allowed Five Hundred Pounds of Tobacco in the County Levy: And if it ſhall ſo happen at any Time, that any Negro or other Slave, ſhall Strike any White Perſon, it ſhall and may be lawful upon Proof made thereof, either by the Oath of the Party ſo ſtruck, or otherwiſe, before any Juſtice of the Peace, for ſuch Juſtice to cauſe one of the Negro's or other Slave's Ears ſo offending, to be cropt.

Allowance to ſuch Conſtables. A Slave ſtriking a White Perſon ſhall have an Ear cropt.

V. **And be it likewiſe Enacted,** That the Owner of any Plantation or Plantations, that ſhall at any Time diſcover any ſtrange Negro or other Slaves upon any of their Plantations, unleſs they are ſent by their Owners on lawful Occaſions, and ſhall warn ſuch Negroes or other Slaves, to be gone Home to their Maſters or Owners, any Negroes or other Slaves refuſing or delaying ſo to do, it ſhall and may be lawful for the Owner of ſuch Plantation to correct ſuch Negro by Whipping, not exceeding Thirty-nine Laſhes. And any Perſon that ſhall wittingly encourage any Negro or other Slaves, to meet in Companies on their Plantations, unleſs on lawful Occaſions, ſhall forfeit and pay for every ſuch Offence, One Thouſand Pounds of Tobacco, to the Uſe aforeſaid, to be recovered as aforeſaid.

Perſons may warn ſtrange Slaves to be gone from off their Plantations, and whip them on Refuſal.

Penalty on Perſons encouraging Slaves to meet on their Plantations.

VI. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That any Maſter or Owner of any Negro or other Slaves, that ſhall ſuffer any ſuch Slaves to them belonging, to keep any Horſes or Mares, or to raiſe any Cattle or Hogs, as the proper Right of ſuch Slaves, the Maſter or Owner of ſuch Slaves, ſhall forfeit and pay Five Hundred Pounds of Tobacco, to be recovered and applied as aforeſaid; and alſo all ſuch Horſes and Mares, Cattle and Hogs, ſhall likewiſe be forfeited, one Half to the Informer, the other Half to be applied as aforeſaid.

Penalty on Owners ſuffering Slaves to keep Horſes, &c.

VII. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That whereas many Negroes and other Slaves, abſent themſelves from their Maſters Service, and run out into the Woods, and there remain killing and deſtroying of Hogs and Cattle belonging unto the People of this Province; if that ſuch Negro or Negroes, or other Slaves ſo out-lying as aforeſaid, ſhall refuſe to ſurrender themſelves, making Reſiſtance againſt ſuch Perſons as purſue to apprehend and take them up, being thereunto legally impowered, it ſhall be lawful to and for ſuch Purſuers, upon ſuch Reſiſtance made, to [f] ſhoot, kill and deſtroy ſuch Negro or Negroes, or other Slave as aforeſaid.

Runaway, Out-lying Slaves reſiſting, may be ſhot or deſtroyed.

[f] By 1751, *ch.* 14, §. 9, Perſons ſo killing any Slave, are indemnified from Proſecution; the Slave ſo killed is to be valued, and the Value paid to the Owner. And by 1753, *ch.* 26, Perſons ſo killing any Slave, ſhall undergo a Trial, but on pleading the General Iſſue, and Acquittal thereon, the Public ſhall pay the Coſts of the Proſecution.

VIII. This Act to be Read at every County Court by the Sheriff, or his Deputy, on Pain of forfeiting Five Hundred Pounds of Tobacco for every Omiſſion, to the Lord Proprietor; one Half to the Uſe of the County where the

The Sheriff to read this Act every County Court.

the Omiſſion ſhall happen, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed. CHAP. XV.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

An ACT to puniſh Blaſphemers, Swearers, Drunkards, and Sabbath-Breakers; and for repealing the Laws heretofore made for the Puniſhing ſuch Offenders. *Lib.* LL. N° 4. *fol.* 598.

Paſſed 26th *October* 1723.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That if any Perſon ſhall hereafter, within this Province, wittingly, maliciouſly, and adviſedly, by Writing or Speaking, Blaſpheme or Curſe GOD, or deny our Saviour JESUS CHRIST to be the Son of GOD, or ſhall deny the Holy Trinity, the Father, Son and Holy Ghoſt, or the Godhead of any of the Three Perſons, or the Unity of the Godhead, or ſhall utter any profane Words concerning the Holy Trinity, or any the Perſons thereof, and ſhall be thereof convict by Verdict, or Confeſſion, ſhall, for the firſt Offence be bored through the Tongue, and fined Twenty Pounds Sterling to the Lord Proprietor, to be applied to the Uſe of the County where the Offence ſhall be committed, to be levied on the Offender's Body, Goods and Chattels, Lands or Tenements; and in caſe the ſaid Fine cannot be levied, the Offender to ſuffer Six Months Impriſonment without Bail or Mainprize; and that for the ſecond Offence, the Offender being thereof convict as aforeſaid, ſhall be ſtigmatized by Burning in the Forehead with the Letter B, and fined Forty Pounds Sterling to the Lord Proprietor, to be applied and levied as aforeſaid; and in caſe the ſame cannot be levied, the Offender ſhall ſuffer Twelve Months Impriſonment without Bail or Mainprize; and that for the Third Offence, the Offender being convict as aforeſaid, ſhall ſuffer Death without the Benefit of the Clergy.

Blaſphemers; for the firſt Offence to be bored thro' the Tongue, and fined 20*l.* Sterling, &c. 2d Offence to be ſtigmatized, and fined 40*l.* Sterling. 3d Offence, Death, without Benefit of Clergy.

II. **And be it Enacted**, That every Perſon that ſhall hereafter profanely Swear or Curſe, in the Preſence and Hearing of any Magiſtrate, Miniſter, the Commiſſary-General, Secretary, Sheriff, Coroner, Provincial or County Clerk, Veſtry-man, Church-warden, or Conſtable, or be convicted thereof, before any Magiſtrate, by the Oath of one lawful Witneſs, or Confeſſion of the Party, ſhall, for the firſt Oath or Curſe, be fined Two Shillings and Six-pence Current Money; and for every Oath or Curſe after the firſt, Five Shillings like Money, to be applied to the Uſes aforeſaid.

Profane Swearers to be fined. 2 *s.* 6 *d.* for the firſt Oath or Curſe, and 5 *s.* for every Oath, &c. after the firſt.

III. **And be it Enacted**, That every Perſon that ſhall be Drunk, in the Preſence of any of the Perſons aforeſaid, or ſhall be thereof convict in Manner aforeſaid, before any Magiſtrate, ſhall be fined for every Offence Five Shillings Current Money, to be applied as aforeſaid.

Drunkards to be fined 5 *s.* for every Offence.

IV. **And be it Enacted**, That where the ſaid Fines ſhall not be immediately paid on Conviction, that it ſhall and may be lawful for the Magiſtrates, or other Officers aforeſaid, and they are hereby required, to order the Offender (not being a Freeholder, or other reputable Perſon) to be Whipped, or put in the Stocks; and for that Purpoſe to appoint any Perſon, (not having a lawful Exemption) as a Conſtable, on ſuch Occaſion, to puniſh ſuch Offender: And that any ſuch Perſon to be ſo appointed, that ſhall refuſe to obey ſuch Magiſtrate, or other Officer, ſhall forfeit Ten Shillings Current Money, to be applied as aforeſaid; for which Fine, the Magiſtrate, or other Officer, ſhall and may give Judgment, and award Execution againſt ſuch Offender; and that where the Offenders ſhall be Freeholders, or other reputable Per-

How Swearers and Drunkards (unable to pay their Fines) may be puniſhed.

CHAP. XVI.

Conviction of Freeholders, to be certified to the County Clerk, and the Sheriff to levy the Fines by Execution.

ſons, and ſhall not have Money to pay the aforeſaid Fines, the Magiſtrate, or other Officer, ſhall be, and are by this Act, required to certify all ſuch Convictions to the ſeveral County Clerks, where the Offence ſhall be committed, who ſhall, every *November* Court, make out Liſts thereof with the County Levy, to the ſeveral Sheriffs, under the County Seal; by virtue whereof, the Sheriffs ſhall and may levy the ſame in Money, or Tobacco at One Penny per Pound, by way of Execution, as other public Dues are to be levied.

The Whipping, &c. limited.

V. **Provided always**, That no Offender ſhall receive above Thirty-nine Laſhes, or be kept in the Stocks above Three Hours, upon any one Conviction.

Penalty on Magiſtrates, &c. guilty of Swearing or Drunkenneſs, or omitting to puniſh others.

VI. **And be it Enacted**, That every Magiſtrate, or other Officer, appointed to put this Act in Execution, and being guilty themſelves of Curſing, Swearing, or Drunkenneſs, or omitting to puniſh others according to Law, ſhall for every ſuch Offence or Omiſſion, and Conviction thereof, in Manner aforeſaid, before any other Magiſtrate or Officer aforementioned, forfeit Ten Shillings Current Money; to be levied and applied as aforeſaid.

Offenders reviling any Magiſtrate, &c. in the Execution of this Act, how to be treated.

VII. **And be it Enacted**, That if any Offender ſhall revile or abuſe any Magiſtrate, or other Officer, putting this Act in Execution, the Offender ſhall be obliged to give good Security (in the Sum of Five Pounds Current Money) for his good Behaviour for the Space of Three Months, and in Default thereof to ſuffer one Month's Impriſonment, without Bail or Mainprize.

Magiſtrates, &c. aſſaulted.

VIII. **And be it Enacted**, That if any Magiſtrate, or other Perſon putting this Act in Execution, ſhall be aſſaulted or beaten by the Offender, or any other, that the Party grieved, if he brings an Action of Aſſault and Battery, ſhall and may recover treble Damages and full Coſts.

General Iſſue.

IX. **And be it Enacted**, That if any Perſon ſhall be ſued or impleaded for any Thing to be done in Execution of this Act, the Defendant may plead the General Iſſue, and give this Act and the Special Matter in Evidence; and if a Verdict ſhall be found for the Defendant, or the Plaintiff be Non ſuit, or diſcontinue his Action, the Defendant ſhall have and recover treble Coſts.

Sabbath-Breaking puniſhable by a Fine of 200 lb Tobacco.

X. **And be it Enacted**, That no Perſon whatſoever, ſhall Work, or do any bodily Labour on the Lord's Day, commonly called Sunday, and that no Perſon, having Children, Servants or Slaves, ſhall command, or wittingly or willingly ſuffer any of them to do any Manner of Work or Labour on the Lord's Day, (Works of Neceſſity and Charity always excepted) nor ſhall ſuffer or permit any Children, Servants or Slaves, to profane the Lord's Day, by Gaming, Fiſhing, Fowling, Hunting, or unlawful Paſtimes or Recreations: And that every Perſon tranſgreſſing this Act, and being thereof convict, by the Oath of one ſufficient Witneſs, or Confeſſion of the Party before a ſingle Magiſtrate, ſhall forfeit Two Hundred Pounds of Tobacco to be levied and applied as aforeſaid.

Penalty on Houſe-keepers ſelling ſtrong Liquors on Sunday, &c.

XI. **And be it likewiſe Enacted**, That no Houſe-keeper ſhall ſell any ſtrong Liquor on Sunday, (except in Caſes of abſolute Neceſſity) or ſuffer any Drunkenneſs, Gaming, or unlawful Sports or Recreations, in his or her Houſe, on Pain of forfeiting Two Thouſand Pounds of Tobacco to his Lordſhip, one Half to the Uſe aforeſaid, and the other Half to him that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

This Act to be read by every Miniſter

XII. **And be it Enacted**, That every Pariſh-Clerk within this Province, ſhall procure a Copy of this Act, which the County Clerks are hereby required to ſuffer the Pariſh-Clerks to take, without Fee or Reward, for which he

he ſhall be allowed in the Pariſh Fifty Pounds of Tobacco; and that the ſame ſhall be read Four Times a Year, *viz.* on ſome Sunday in *March*, in *June*, in *September*, and in *December*, by every Miniſter within this Province, in their reſpective Pariſh-Churches, between Divine Service and Sermon, on Pain of forfeiting One Thouſand Pounds of Tobacco for every Omiſſion, one Half to the Lord Proprietor, for the Uſe aforeſaid, and the other Half to him that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law to be allowed. CHAP. XVI. in his Pariſh-Church Four Times a Year, on Forfeiture of 1000 lb Tobacco.

XIII. **Provided always, and be it Enacted**, That all Informations for Blaſphemy and Sabbath-breaking, ſhall be made within One Month after the Fact; and that all Proſecutions and Informations for Swearing, Curſing, Drunkenneſs, and Omiſſion to puniſh the ſame, ſhall be made within Ten Days after the Fact; and that all Proſecutions for not Reading this Act, and for ſelling Liquors, and ſuffering Drunkenneſs and Gaming on the Sabbath-Day, ſhall be commenced within Six Months after ſuch Omiſſion, and not after. Limitation of Proſecutions on Breaches of this Act.

XIV. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That one Act made at a Seſſions of Aſſembly, begun and held at the Port of *Annapolis*, the Firſt Day of *July*, *Anno Domini* Sixteen Hundred and Ninety-ſix, entitled, *An Act for ſanctifying and keeping holy the Lord's Day, commonly called Sunday*; and alſo one other Act of Aſſembly, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April* One Thouſand Seven Hundred and Fifteen, entitled, *An Act for the Puniſhment of Blaſphemy, profane Swearing, Curſing and Drunkenneſs*, be, and are hereby repealed and made void. The Act of 1696, *ch.* 10, and of 1715, *ch.* 34, repealed.

XV. **Provided**, That all Proſecutions already begun, for any Breach of the former Laws, or any Judgment rendered, ſhall not be defeated or altered by this Act; but that the ſeveral Courts and Magiſtrates may proceed to hear and determine the ſame to Judgment, award Execution, and on all former Judgments rendered as aforeſaid, as fully and amply as heretofore they might have done, the Repeal of the ſaid Acts to the contrary notwithſtanding. Proviſo with Regard to Proſecutions already commenced for Breach of former Laws.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

An ACT directing the Manner of Recovery of Fines for not appearing at the Clearing of the Highways. *Lib.* LL. N° 4. *fol.* 600. Paſſed 26th *October* 1723.

WHEREAS by an [g] Act of Aſſembly, made at the Town and Port of *Annapolis*, the Fifth Day of *September*, *Anno Domini* Seventeen Hundred and Four, entitled, *An Act for Marking the Highways, &c.* there is a Fine of One Hundred Pounds of Tobacco to be levied upon all Taxable Male Perſons that ſhall neglect to attend at the Clearing and Mending the Highways, when duly warned by the Overſeers thereof; the which Fines have proved a greater Burthen to the People than was deſigned by that Act, by Means of the chargeable Way of Recovery thereof in the County Courts: For Remedy whereof, Preamble.

[g] 1704, *ch.* 21.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, no Perſon within this Province, ſhall, by virtue of the aforementioned Act, be proſecuted in any County Court for their not appearing when warned to clear the Highways; any thing contained therein to the contrary notwithſtanding. Fines for not appearing to clear the Highways, not to be proſecuted in the County Court.

III. But

CHAP. XVII.

But determined by a ſingle Magiſtrate,

III. But in all ſuch Caſes, any one Juſtice of the County Courts, to whom Complaint ſhall be made, are hereby fully authorized and impowered, upon Complaint made to him againſt any Perſon for not appearing, or Owners of Servants, for not ſending their Servants on the Highways, when duly warned, to iſſue his Warrant to the Conſtable to bring ſuch Perſons, or Owners of Servants, before him, and to ſummons Witneſſes, as Need ſhall require, and upon Appearance before him, fully to hear and determine all ſuch Caſes, and as he ſhall ſee juſt and reaſonable Cauſe, either to acquit and diſcharge ſuch Perſons, or fine them according to the Direction of the aforementioned Act of Aſſembly, to the Uſes therein mentioned; and to be levied in Manner as thereby is directed. And every Juſtice of the Peace, awarding ſuch Fines againſt any Perſon as aforeſaid, are hereby required to keep a fair Account of all ſuch Fines, and to return a true Liſt thereof to the Juſtices of the County Courts yearly, at the Time of laying the County Levies, of which Account the ſaid County Courts ſhall cauſe their Clerks to give a fair Copy to the Sheriff of the County, in order to collect ſuch Fines and Forfeitures; and on Refuſal of Payment thereof, the Sheriff is hereby impowered to levy the ſame by way of Execution, in the ſame Manner as the Public and County Levies of this Province have uſually been levied and collected, and render an Account thereof to the Juſtices of the reſpective County Courts, to be applied to the Uſes aforeſaid.

who ſhall return a Liſt thereof to every *November* Court,

to be levied on Execution by the Sheriff.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVIII.

Paſſed 26th *October* 1723.

An ACT for quieting the Poſſeſſions of the *Indians* inhabiting on *Nanticoke* and *Choptank* Rivers. *Lib.* LL. N° 4. *fol.* 601.

Preamble.

WHEREAS the *Indians* inhabiting on *Nanticoke* and *Choptank* Rivers, have complained to this General Aſſembly, of ſeveral Incroachments made into the ancient Bounds and Limits of their Lands heretofore granted them by the Lord Proprietor, and confirmed by ſeveral Acts of Aſſembly of this Province: For Remedy whereof, and to prevent Complaints of like Nature for the future,

The *Nanticoke Indians* confirmed in their Poſſeſſion of the Tract bounded by the Act of 1698, *ch.* 15, ſo long as they ſhall not totally deſert the ſame:

II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the *Nanticoke Indians*, and their Deſcendants, ſhall have, hold, occupy, poſſeſs, and enjoy a free, peaceable and uninterrupted Poſſeſſion, of all that Tract or Parcel of Land, lying between the North-weſt Fork of *Nanticoke* River and *Chicucone* Creek, for and during ſuch Space of Time as they, or any of them, ſhall think fit to uſe, and ſhall not wholly and totally deſert and quit Claim to the ſame, according as the ſame is Butted and Bounded by an Act of Aſſembly of this Province, made in the Year of our Lord Sixteen Hundred Ninety-eight, entitled, *An Act for aſcertaining the Bounds of a certain Tract of Land, to the Uſe of the* Nanticoke Indians, *ſo long as they ſhall occupy and live upon the ſame*.

But ſhall not ſell or leaſe any Part thereof.

The like Poſſeſſion confirmed to the *Choptank Indians*, of the Tract ſurveyed, &c. purſuant to the Acts of 1669, *ch.* 1; and 1721, *ch.* 12.

And that the ſaid *Indians* ſhall not at any Time hereafter, ſell, diſpoſe of, or leaſe for Term of Years, any Part or Parcel of the aforeſaid Land, to any Perſon or Perſons whatſoever. And that the *Choptank Indians*, and their Deſcendants, ſo long as they ſhall occupy or claim, and ſhall not totally deſert the ſame, ſhall hold and poſſeſs, quietly and peaceably, all that Tract of Land lying in *Dorcheſter* County, on *Choptank* River, according to the Metes and Bounds thereof, ſurveyed and returned by the Honourable *Philemon Lloyd*, Eſq; Colonel *Richard Tilghman*, and Colonel *Matthew Tilghman Ward*, Commiſſioners appointed by his Honour the Governor to aſcertain and lay out the ſame, purſuant to an Act of Aſſembly of this Province, made in the Year of our Lord Seventeen Hundred and Twenty-one, that Survey being found purſuant and agreeable to the Intent and Deſign of one Act of Aſſembly,

made

made at the City of *St. Mary's*, in the Year of our Lord Sixteen Hundred Sixty-nine, by which that Land was granted to the ſaid *Indians*. CHAP. XVIII.

III. **And be it further Enacted**, That the *Choptank Indians* aforeſaid, at any Time hereafter, ſhall not on any Pretence whatſoever, alienate, diſpoſe, ſell, or let to farm, any Part or Parcel of the Lands beforementioned, except that Part thereof which lies to the Eaſtward, Southward and Weſtward of thoſe Lines formerly run, from the Head of Secretary *Sewall's* Creek, to the Bounded Tree of *William Dorrington*, by Colonel *Thomas Smithſon*, and Lieutenant-Colonel *Thomas Ennalls*, as the exterior Bounds of the aforeſaid Land, purſuant to an Ordinance of Aſſembly then made: And that if any Perſon ſhall preſume to Purchaſe or Leaſe any Part thereof (except as before excepted) ſuch Purchaſe or Leaſe ſhall be utterly void, and of none Effect.

But ſhall not ſell or leaſe, *&c.* An Exception.

All Purchaſes or Leaſes (except as before) ſhall be void.

IV. **And it is hereby further Enacted**, That no Leaſe for Term of Years, or for Life, already made, ſhall be of any Force or Effect longer than Seven Years after the End of this Seſſion of Aſſembly, and that thoſe Perſons who hold by virtue of any ſuch Leaſe from the ſaid *Indians*, be, and are hereby obliged punctually and faithfully to pay and ſatisfy to ſuch *Indian* or *Indians*, under whom they hold, the ſeveral and reſpective Rents contracted for: And if any Perſon ſhall refuſe or delay to pay ſuch Rent yearly, as it becomes due, ſuch Leaſe ſhall become void; and it ſhall and may be lawful for any Juſtice of the Peace within the County where ſuch Rent ſhall ariſe and become due, and remaining unpaid, upon Complaint to him made by ſuch *Indians*, to iſſue Warrant, give Judgment, and award Execution for the ſame, in the ſame Manner as in the Act for Recovery of ſmall Debts is provided.

No Leaſe already made ſhall be of Force longer than Seven Years from the End of this Seſſion, *&c.*

V. **And be it further Enacted**, That all Sales, Gifts, Grants, or Leaſes, made by any the *Indians* aforeſaid, ſince *November* Seventeen Hundred and Twenty-one, of any the Lands lying on the South Side of Secretary *Sewall's* Creek aforeſaid, and the Southern Branch thereof, and within the Lines run by Colonel *Thomas Smithſon*, and Lieutenant-Colonel *Thomas Ennalls* as aforeſaid, being contrary to an Ordinance of Aſſembly then made, be, and are hereby declared to be null, void, and of no Effect.

All Sales, *&c.* made by the ſaid *Indians* ſince *November* 1721, of Lands on the South Side of *Sewel's* Creek *&c.* are declared void.

VI. **Provided nevertheleſs**, That ſuch Surveys and Purchaſes which have already, *bonâ Fide*, been made ſince *November* Seventeen Hundred and Twenty-one, or which hereafter ſhall be, *bonâ Fide*, made of any of the *Choptank Indians* Lands, comprehended within the Metes and Bounds ſurveyed and aſcertained by the Honourable *Philemon Lloyd*, Eſq; Colonel *Richard Tilghman*, and Colonel *Matthew Tilghman Ward*, Commiſſioners as aforeſaid, and lying to the Eaſtward, Southward or Weſtward of the Lines run by Colonel *Thomas Smithſon*, and Lieutenant-Colonel *Thomas Ennalls* aforeſaid, be, and are hereby confirmed and made valid unto the Purchaſers or Takers up of the ſame, and their Heirs and Aſſigns for ever; any thing in this Act to the contrary notwithſtanding.

But Purchaſes made *bonâ Fide*, ſince *Nov.* 1721, *&c.* of that Part excepted in §, 3, are confirmed.

VII. **Provided likewiſe**, That ſuch Purchaſes by any Perſon or Perſons of any Land belonging to the *Choptank Indians* aforeſaid, be made when thoſe *Indians* are Sober, and of ſound and perfect Memory; and the Conſideration agreed for paid, or ſecured to be paid to them, by ſuch Purchaſers, before the Executing of the Deeds of Sale; and that all Deeds of Sale hereafter made by the *Indians* aforeſaid, ſhall be acknowledged by them before the Juſtices of the County in Court ſitting, or before One or more of his Lordſhip's Council, who are hereby impowered to take the ſame, otherwiſe to be void, and of no Effect.

Provided ſuch Purchaſes be made when the *Indians* are ſober, *&c.* and the Deeds acknowledged, *&c.*

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XIX.

Passed 26th October 1723.

An ACT for the Encouragement of Learning, and erecting Schools in the ſeveral Counties within this Province. *Lib.* LL. N° 4. *fol.* 602.

A Supplementary Act 1728, *ch.* 8.

Preamble.

WHEREAS the preceding Aſſemblies for ſome Years paſt have had much at Heart the abſolute Neceſſity they have lain under, in regard both to Duty and Intereſt, to make the beſt Proviſion in their Power for the liberal and pious Education of the Youth of this Province, and improving their natural Abilities and Accuteneſs, (which ſeems not to be inferior to any) ſo as to be fitted for the Diſcharge of their Duties in the ſeveral Stations and Employments they may be called to, and employed in, either in regard to Church or State; and for that End laid an Impoſition on ſundry Commodities exported out of, and others imported into, this Province, and other Fines, for the raiſing a Fund for the erecting and ſupporting a good School in each County within this Province, which has ſucceeded with ſuch deſired Effect, that it is now thought neceſſary, and is prayed that it may be Enacted,

One School to be erected in each County.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in ſome convenient Time, after the End of this preſent Seſſion of Aſſembly, there ſhall (for the Ends before mentioned) be erected One School in each County within this Province, at the moſt convenient Place, as near the Center of the County as may be, and as may be moſt convenient for the Boarding of Children, at the Diſcretion of the Viſitors, or the major Part of them, that are hereafter nominated, appointed and impowered by this Act, in each County.

Seven Viſitors appointed for each County.

III. **And be it therefore Enacted,** *by the Authority, Advice, and Conſent aforeſaid,* That for the Time being, the Seven ſeveral Perſons hereafter named for each County, be, and are hereby nominated, appointed, and named Viſitors, and are impowered with full and ſufficient Authority for diſcharging the ſeveral Offices, Duties and Truſts, repoſed in and required of them by this Act, within the ſeveral and reſpective Counties wherein they reſide, *(That is to ſay),*

For *St. Mary's* County.

For *St. Mary's* County, the Reverend *Leigh Maſſey, James Bowles,* Eſq; *Nicholas Lowe,* Eſq; Mr. *Samuel Williamſon,* Colonel *Thomas Trueman Greenfield,* Mr. *Thomas Waughop,* and Captain *Juſtinian Jordan.*

Kent County.

For *Kent* County, the Reverend *Richard Sewall,* the Reverend *Alexander Williamſon, James Harris,* Eſq; Colonel *Edward Scott,* Mr. *Simon Wilmer,* Mr. *Gideon Pearce,* Mr. *Lambert Wilmer.*

Ann-Arundel County.

For *Ann-Arundel* County, the Reverend Mr. *Joſeph Colebatch,* Colonel *Samuel Young, William Lock,* Eſq; Captain *Daniel Mariartee,* Mr. *Charles Hammond,* Mr. *Richard Warfield,* and *John Beale,* Eſq;

Calvert County.

For *Calvert* County, the Reverend Mr. *Jonathan Cay, John Rouſby,* Eſq; Colonel *John Mackall,* Colonel *John Smith,* Mr. *James Heigh,* Mr. *Walter Smith* of *Leonard's* Creek, Mr. *Benjamin Mackall.*

Baltimore County.

For *Baltimore* County, the Reverend Mr. *William Tibbs,* Colonel *John Dorſey,* Mr. *John Iſrael,* Mr. *William Hamilton,* Mr. *Thomas Tolley,* Mr. *John Stokes,* and Mr. *Thomas Sheredine.*

Charles County.

For *Charles* County, the Reverend Mr. *William Maconchie,* Mr. *Guſtavus Brown,* Mr. *George Dent,* Captain *Joſeph Harriſon,* Mr. *Robert Hanſon,* Mr. *Samuel Hanſon,* and Mr. *Randal Morris.*

Talbot County.

For *Talbot* County, the Reverend Mr. *Henry Nicholls,* Colonel *Matthew Tilghman Ward, Robert Ungle,* Eſq; Mr. *Robert Goldſborough,* Mr. *William Clayton,* Mr. *John Oldham,* and Mr. *Thomas Bozman.*

For

For *Somerset* County, the Reverend Mr. *Alexander Adams*, the Reverend Mr. *James Robertson*, Mr. *Joseph Gray*, Mr. *Robert Martin*, *William Stoughton*, Esq; Mr. *Robert King*, and Mr. *Levin Gale*. *Somerset* County.

For *Dorchester* County, the Reverend Mr. *Thomas Howell*, Colonel *Roger Woolford*, Major *Henry Ennalls*, Captain *John Rider*, Captain *Henry Hooper*, Captain *John Hudson*, and Mr. *Govert Lockerman*. *Dorchester* County.

For *Cæcil* County, Colonel *John Ward*, Major *John Dowdall*, Colonel *Benjamin Pearce*, Mr. *Stephen Knight*, Mr. *Edward Jackson*, Mr. *Richard Thompson*, and Mr. *Thomas Johnson*, junior. *Cæcil* County.

For *Prince George's* County, the Honourable *Charles Calvert*, Esq; Governor, the Reverend Mr. *Jacob Henderson*, Mr. *Robert Tyler*, Colonel *Joseph Belt*, Mr. *Thomas Grant*, Mr. *George Noble*, and Colonel *John Bradford*. *Pr. George's* County.

For *Queen-Anne's* County, the Reverend Mr. *Christopher Wilkinson*, *Philemon Lloyd*, Esq; *Richard Tilghman*, Esq; Mr. *James Earl*, senior, Mr. *William Turbutt*, Mr. *Augustine Thompson*, and Mr. *Edward Wright*. *Queen-Anne's* County.

IV. The which Persons, so nominated, appointed, authorized and named, for the several and respective Counties as aforesaid, or the major Part of them, in case of Death, or Absence of any, are hereby required with all convenient Speed, to meet at such Place within their County, as to them shall seem meet, to qualify themselves for the Office of Visitors of their County Schools, which they are to do, by taking the several Oaths appointed by Act of Assembly, and signing the Oath of Abjuration, and the Test, according to the Directions thereof; and also, taking an Oath for the Discharge of the several Duties and Trusts reposed in them, in the Words following, *viz.* The Visitors to qualify by taking the Oaths, *&c.* appointed by the Act of 1716, *ch.* 5. and also the following

"*I* A. B. *do Swear, That I will duly and faithfully discharge the Duties and* "*Trusts committed to me, as a Visitor of County School, according to the best* "*of my Skill and Cunning*. So help me GOD." Oath of a Visitor.

The which Oaths are to be administered by any of the Four Persons last named for the County, to the Person First named, or in his Absence, to any one of the Three Persons first named, that shall be present, the which Person being Sworn as aforesaid, shall administer the Oaths aforementioned to all the Rest: And so successively, the Persons first named, that shall be present, shall always administer the said Oaths to any that have been absent, or that shall hereafter be elected and chosen, pursuant to the Direction of this Act, to supply the Place of any that shall be dead, or removed out of the County: And the aforesaid Persons, or the major Part of them, being Sworn as aforesaid, shall be constituted and qualified as Visitors of the School of their said County, and as such, are hereby invested with full Power and Authority, as a Body Politic, to plead and be impleaded, to sue and be sued, to defend and be defended, to answer and be answered, in all and every Cause, Complaint and Action, real, personal or mixt, of whatsoever Kind or Nature it shall be, in any of the Courts and Places of Judicature within this Province; and that they, or any of them, or any other Person or Persons whatsoever, either before or after such School shall be erected, founded and established, in any County as aforesaid, have full Power to give and grant, assign and bequeath, all or any Manors, Lands, Tenements, Rents, Services, Portions, Annuities, Pensions, Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the value of One Hundred Pounds Sterling, *per Annum*, (besides all Burthens, Reprisals and Reparations) to them the said Visitors, or the major Part, or Survivors of them incorporate, for such County School, to them and their Successors for ever.

The Oaths, how to be administered.

The Persons so qualified, constituted Visitors of their County School; and incorporated:

May hold Lands, *&c.* for the Use of such Schools, to the Value of 100 *l.* Sterling *per Annum*.

V. **And further**, That the said Persons so incorporate, the longest Livers and Successors of them, shall be the true, sole and undoubted Visitors of such Schools in perpetual Succession for ever; to be continued in the Way and Manner hereafter specified; with full and absolute Power, Liberty and Authority, in making and ordaining such Laws, Orders and Rules for the good

Shall have perpetual Succession, with Power to make Laws, *&c.*

CHAP. XIX.

for the Government of the Schools.

Government of the ſaid Schools, as to them the ſaid Viſitors, and their Succeſſors, ſhall, from Time to Time, according to their various Occaſions and Circumſtances, ſeem to them moſt fit and requiſite; all which ſhall be obſerved by the Maſter, Uſher, Tutor, and Scholars of the ſaid School, upon the Penalties therein contained.

But not contrary to the Prerogative, Laws or Canons.

VI. **Provided always**, That the ſaid Rules, Laws and Orders, be no wiſe contrary to the Royal Prerogative, nor to the Laws and Statutes of *England*, and Acts of Aſſembly of this Province, or to the Canons and Conſtitutions of the Church of *England* by Law eſtabliſhed.

On Death or Removal of any Viſitor, the remaining Viſitors ſhall elect another,

VII. **And** for the Perpetuating the Succeſſion of the aforementioned Number of Seven Viſitors to each School as aforeſaid; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That as often as any one or more of the Viſitors of any of the aforeſaid Schools ſhall die, or remove himſelf and Family out of the Province, or into any other County to reſide, that then, and ſo often, the Viſitors for the Time being, then ſurviving and remaining within the County, or the major Part of them, be, and are hereby authorized and required to elect, nominate and chooſe, one or more of the principal and better ſort of the Inhabitants of the County, into the Place and Room of the ſaid Viſitors of ſuch School, ſo dead or removed, and ſo to fill up the full Number of Viſitors for each School; the which Perſons ſo elected and choſen from Time to Time, are always to be qualified in the ſame Manner as is before mentioned.

who ſhall qualify as before.

100 Acres of Land to be purchaſed for the Uſe of each School:

Part of which to be built upon, and cleared,

and 1 Moiety at leaſt, to be preſerved in Woodland Ground.

No Tobacco to be planted on the School Land.

Neceſſary Buildings to be erected for the Maſter, and School, &c.

Qualifications and Salary of the School-Maſters.

VIII. **And be it further Enacted**, That the Viſitors (for the Time being) of each School, being qualified as aforeſaid, be, and are hereby authorized and directed with all convenient Speed, to purchaſe One Hundred Acres or more of Land, for the Uſe of ſuch School, having a ſpecial Regard as to its Conveniency, that it be as near as poſſible in ſuch Place in the County, as is before directed for the erecting of Schools, by this Act; the which Land, when ſo purchaſed, the Viſitors are to aſſign ſuch Part of it as they ſhall ſee meet, not to exceed one Moiety thereof, to be built upon, and cleared (if not before built on and cleared) for the Conveniency of making Corn and Grain, and for Paſturage, for the Encouragement, Uſe and Benefit of the Maſter of ſuch School, for the Time being; the other Moiety whereof is to be preſerved in Woodland Ground, and no other Uſe made thereof by ſuch Maſter, without the Licence and Direction of the ſaid Viſitors, than what may be abſolutely neceſſary for Fire-Wood, and the repairing of the Houſes and Fencing already built and made, or to be built and made, on ſuch other Moiety thereof, and that no Maſter be permitted, either by himſelf or by any other Perſon, on any Pretence whatſoever, to plant any Tobacco on ſuch Land or Plantation; and the Viſitors of the ſeveral Schools as aforeſaid, are further impowered and directed, in caſe that there ſhall not be ſufficient Building upon any ſuch Land at the Time of making a Purchaſe thereof for a Dwelling-houſe, and neceſſary Conveniencies for the Maſter, and for keeping a School therein, and Ground cleared ſufficient for the Uſe aforeſaid, that then they ſhall, with all poſſible Speed, agree with ſuch Work-men and Labourers, or other Perſon, in the beſt Manner they can, that will undertake the neceſſary Buildings and Improvements upon ſuch Lands for the Uſes aforementioned; and the Viſitors aforeſaid are likewiſe hereby directed to take all proper Methods for the encouraging good Schoolmaſters, that ſhall be Members of the Church of *England*, and of a pious and exemplary Lives and Converſations, and capable of Teaching well the Grammar, good Writing, and the Mathematicks, if ſuch can conveniently be got; and that they allow every ſuch Maſter for his Encouragement for the preſent (beſides the Benefit and Uſe of his Plantation) the Sum of Twenty Pounds *per Annum*, and to take ſuch other Meaſures, or make ſuch other Agreements, from Time to Time,

Time, for the future, as the Circumſtances will admit of, as may give due Encouragement to one or more Maſters, and be neceſſary and uſeful for the improving and perpetuating ſuch School. CHAP. XIX.

IX. **And further**, The Viſitors of every School, after it ſhall be erected, are hereby required to meet thereat, at leaſt Four Times a Year, to inſpect into and conſider of, and direct the neceſſary Affairs thereof. Viſitors to meet 4 Times a Year.

X. **And** for the enabling the Viſitors of the Schools as aforeſaid, for the purchaſing of Lands, and erecting of Schools, and encouraging of Maſters in Manner as aforeſaid, **Be it Enacted**, That the Money already raiſed for the Uſe of County Schools, and that is now in the Public Treaſurers Hands, being divided into [h] Twelve equal Parts, anſwering to the Number of County Schools now to be erected, the Treaſurers, in whoſe Hands ſuch Money, lies, are hereby required to make due Payment of one of thoſe Twelve Parts or Dividends of Money in their Hands, to the Viſitors of the Schools for each County, or the major Part of them, or their Orders, whenſoever they ſhall have Occaſion to draw on ſuch Treaſurers for the ſame; and the like Payment ſhall, from Time to Time, be made to the Viſitors as aforeſaid, by the Treaſurers, of the like Dividends that ſhall hereafter ariſe, due to ſuch Schools, and come to their Hands; and the Viſitors of the Schools as aforeſaid, are hereby impowered to diſpoſe of all ſuch Money as they ſhall receive from Time to Time, in ſuch Manner as may be moſt for the Encouragement and Advancement of ſuch Schools. The County Schools to have an equal Share of the Money appropriated to their Uſe, and the Treaſurers to pay the ſame to the Viſitors of each County, to be by them diſpoſed of for the Encouragement, &c. of ſuch Schools.

[h] By 1746, *ch.* 7, a School was erected in *Worceſter* County; and the Whole directed to be divided into 13 Parts, of which the new erected School to have One Part.

XI. **And be it likewiſe Enacted**, That the Viſitors of each School, to be conſtituted, qualified and incorporated in Manner aforeſaid, or the major Part of them and their Succeſſors, be, and are hereby enabled to take, hold, and enjoy, and be apt and capable in Law, for taking, holding and enjoying, all Manors, Lands, Tenements, Inheritances, Franchiſes and Poſſeſſions whatſoever, Spiritual or Temporal, to the Value of Fifteen Hundred Pounds Sterling, and all other Goods, Chattels, Money and Perſonal Eſtate whatſoever, of the Gift of any Perſon whatſoever, that already hath, or hereafter ſhall be, willing to beſtow them for the Uſe of the ſaid Schools, or any other Gifts, Grants, Aſſignments, Legacies or Appointments of the ſame, or any of them, or any other Goods whatſover; to be applied by the Viſitors for the Uſes and in Manner as aforementioned: And the ſaid Viſitors are likewiſe hereby authorized to receive all and every ſuch Fines and Forfeitures as have already ariſen due, or that ſhall hereafter ariſe due to their ſeveral County Schools, in whoſe Hands ſoever the ſame are lodged, or hereafter ſhall be lodged, and upon Refuſal or Delay of Payment thereof, that then they may, at their Diſcretion, exerciſe the Powers and Authorities, (given them as a Body Politic by this Act) for the Recovery of the ſame; the which Fines and Forfeitures are likewiſe to be applied to the Uſes and in Manner aforeſaid. The Viſitors of each School enabled to hold Lands, &c. to the Value of 1500 *l.* Sterling, and all other Perſonal Eſtate given to the Uſe of Schools, and to recover all Fines ariſing due to their ſeveral County Schools.

XII. **Provided always**, That the Viſitors to be appointed for every School as aforeſaid, and their Succeſſors, from Time to Time, are hereby impowered to appoint a Regiſter, and allow him a reaſonable Salary, who is hereby obliged to keep a fair Account of all their Proceedings, and of the Applications by them to be made of all Monies, Tobaccoes, or other Commodities, or Matters, or Things whatſoever, that ſhall come to their Hands by virtue of the Authorities given them by this Act, which ſhall at all Times hereafter be ſubject to the Examination and Correction of the General Aſſembly of this Province. To appoint a Regiſter, and allow him a Salary; his Duty. Their Proceedings ſubject to Examination.

XIII. **And be it further Enacted**, That every Perſon by this Act appointed as a Viſitor of the County Schools, or that ſhall hereafter be nominated and

CHAP. XIX.

appointed as ſuch, purſuant to the Directions hereof, that ſhall wilfully refuſe or delay to take upon him the ſaid Office, ſhall forfeit and pay for every ſuch Refuſal or Delay, the Sum of Five Hundred Pounds of Tobacco, for the Uſe of the School of that County where ſuch Offence ſhall be committed; to be recovered in his Lordſhip's Name, or at the Viſitors Suit, before the Juſtices of that County Court, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

Penalty on Perſons refuſing to act as Viſitors.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XX.

Paſſed 26th *October* 1723.

An Act for the Relief of Ann-Arundel *County, and all Perſons concerned in the Records thereof, heretofore Burnt. Lib.* LL. N° 4. *fol.* 606.

N. B. The Act of 1705, *ch.* 1, having been for ſome Time expired, ſeveral Perſons by Means of Infancy, Coverture, Abſence, *&c.* had not got their Deeds recorded again, according to the Directions of that Act, during it's Continuance: This Act impowered the Juſtices of *Ann-Arundel* Court to act and proceed in all Matters therein mentioned, as if Commiſſion for that Purpoſe had iſſued to them, according to the ſaid Act, *&c.*

CHAP. XXI.

Ditto. *An Act giving Encouragement to make Hemp within this Province. Lib.* LL. N° 4. *fol.* 607. *EXP.*

To continue in Force 3 Years, *&c.*

CHAP. XXII.

Ditto. *An Act for the Relief of* Thomas Turner, *of* Charles *County, Gent.* Chriſtopher Balroſe, Thomas Cobb, John Gold, Thomas Beezley, *and* John Ferrel, *of* Ann-Arundel *County*; John Beldom *and* John Hanley, *of* Calvert *County*; Joſeph Gough, *of* Queen-Anne's *County*; *and* John Clements, *of* Dorcheſter *County, languiſhing Priſoners. Lib.* LL. N° 4. *fol.* 608. *PR.*

CHAP. XXIII.

Ditto. *An Act for the Trial of all Matters of Fact in the ſeveral Counties where they have ariſen, or ſhall ariſe; the Continuance of Cauſes in the Provincial Court, and Adjournment of that Court. Lib.* LL. N° 4. *fol.* 612. *EXP.*

To continue 3 Years, *&c.* Continued 1727, *ch.* 6; and, together with its Supplementary Act of 1724, *ch.* 17, expired in 1731.

CHAP. XXIV.

Ditto. *An Act reviving and continuing an Act, entitled,* [1] *An Act for Limitation of Officers Fees; and for ſupplying ſome Defects therein. Lib.* LL. N° 4. *fol.* 614. *EXP.*

[1] 1719, *ch.* 18, hereby continued 'til the 25th *December* 1724.

This Act was continued by 1724, *ch.* 21, §. 1, 'til the 25th *December* 1725, when it totally expired. Hereby Sheriffs were reſtrained from taking or exacting more than one Execution Fee, in any one Year, for Executing for Levies and Officers Fees: But by the aforeſaid Act of 1724, *ch.* 21, the Sheriff's Fee for ſuch Executions is intirely taken away.

CHAP. XXV.

Ditto. *An Act for the Payment and Aſſeſſment of the Public Charge of this Province, for this preſent Year One Thouſand Seven Hundred and Twenty-three; and for confirming the Journal of the Levy in the Year One Thouſand Seven Hundred and Twenty-two. Lib.* LL. N° 4. *fol.* 615.

CHAP. XXVI.

Ditto. *An Act for the veſting and ſettling an Eſtate of Inheritance in Fee-ſimple, of and in a certain Parcel or Lot of Ground in the City of* Annapolis, *containing One Hundred and Twenty Feet in Length, (formerly by an* [k] *Act of Aſſembly of this Province confirmed to* Robert Johnſon, *of* Ann-Arundel *County, Ship Carpenter, deceaſed) on* Robert Gordon, *of the City of* Annapolis, *Merchant: As alſo for veſting and ſettling an Eſtate of Inheritance in Fee-ſimple, of and in a certain Sand Bank that interſects a Tenement of Land poſſeſſed by the ſaid* Robert Gordon, *and the Creek, on the ſaid* Robert Gordon, *and his Heirs and Aſſigns for ever. Lib.* LL. N° 4. *fol.* 616. *PR.*

[k] 1719, *ch.* 5.

N. B. This ſame Lot is ſettled on *Horatio Samuel Middleton*, and his Heirs, by 1753, *ch.* 25.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis* on Tueſday the 6th Day of *October*, and ended the 4th Day of *November*, in the 10th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq; Domini* 1724; were Enacted the following Laws, *viz.*

CHARLES CALVERT, Eſq; Governor.

CHAP. I.

An Act to prohibit [a] *the Exportation of* Indian *Corn for the Time therein limited, and to ſuſpend* [b] *the Execution of an Act, entitled, An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other* Indian *or* Engliſh *Grain or Meal, Horſes, Mares, Colts or Fillies, from* Penſylvania, *and the Territories thereunto belonging. Lib.* L. N° 5. *fol.* 1. *EXP.* Paſſed 29th *October* 1724.

[a] 'Til the laſt of *October* 1725.

[b] *Viz.* of 1715, *ch.* 18, hereby ſuſpended till the laſt of *June* 1725.

CHAP. II.

An Act for the Relief of ſuch Perſons as have been convicted of any Breach of the Acts of Aſſembly for [c] *Preventing the making of traſhy Tobacco, and for the bettering the Staple of this Province, and the* [d] *Explanatory Act thereof, unheard; or have ſuffered by the Miſconſtruction of the ſaid Laws. Lib.* L. N° 5. *fol.* 3. Paſſed 4th *Nov.* 1724.

[c] 1721, *ch.* 8.

[d] 1721, *ch.* 17.

CHAP. III.

An Act to cut off the Intail of a certain Tract of Land called Billingſley's Point, *and to enable* John Jordain *to make Sale of the ſame. Lib.* L. N° 5. *fol.* 4. *PR.* Ditto.

CHAP. IV.

An Act inveſting an Eſtate of Inheritance, in Fee-ſimple, of a Tract of Land called Little Bohemia, *or* Bohemia Middle Neck, *in* Ephraim Auguſtine Herman, *of* Cæcil *County, Gent. and his Heirs for ever, and to cut off the Intail thereof; and to make good and valid any Sale thereof to be made by the ſaid* Herman, *or his Heirs aforeſaid. Lib.* L. N° 5. *fol.* 6. *PR.* Ditto.

CHAP. V.

An Act declaring what Eſtate Gabriel Parker, *and* Anne *his Wife,* John Abbington, *and* Mary *his Wife,* William Hutcheſon, *and* William Pile, *and* Elizabeth *his Wife, have in the Lands ſeverally deviſed to them by* William Hutcheſon, *Gent. deceaſed. Lib.* L. N° 5. *fol.* 8. *PR.* Ditto.

CHAP. VI.

A Supplementary ACT to the Act, entitled, * *An Act for the Relief of Debtors, and aſcertaining the Manner of Tenders in Tobacco. Lib.* L. N° 5. *fol.* 10. Ditto.

* 1713, *ch.* 3.

N. B. The Uſe of this Act is, at preſent, ſuſpended by the Inſpection Law of 1763, *ch.* 18.

FORASMUCH as the Time limited by the ſaid Act for tendering Tobacco, is ſo ſhort, that honeſt Debtors intended to be relieved thereby, have not the Benefit that was intended them by the Aſſembly: And for that many of the Inhabitants of this Province have complained that ſeveral Sheriffs have refuſed good merchantable Tobacco, for Public and other Dues, and Officers Fees, with Intent to extort great Prices in Money from the Debtors, or make ſome other unjuſt Profit to themſelves; Preamble.

CHAP. VI.

A Tender of Tobacco legal from the 1st of *Nov.* to the laſt of *May* yearly.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That all Debtors tendering Tobacco at any Time between the Firſt Day of *November*, and the Laſt Day of *May* yearly, ſhall have the ſame Privileges, Benefits and Advantages as they might have had by virtue of the ſaid recited Act, in caſe of Tenders between the Firſt Day of *November* and the Laſt of *March* yearly, any Limitation therein contained to the contrary notwithſtanding.

Tobacco to be paid according to Contract.

III. **Provided always,** That the Creditor ſhall not be obliged to receive Tobacco of leſs Weights, or worſe Quality, than the Debtor hath contracted to pay; any thing in this, or the ſaid recited Act to the contrary notwithſtanding.

How Tobaccoes paid to the Sheriff may be viewed.

Penalty on Sheriffs executing without ſuffering ſuch View.

IV. **And be it Enacted,** That Tobacco to be paid to the Sheriff, in Diſcharge of Public and other Dues and Fees, ſhall and may be viewed and examined, as the ſaid recited Act directs Tobacco to diſcharge other Debts to be viewed and examined; and that where any Perſon hath good merchantable Tobacco in Hogſheads, (or in Parcels, if the Debt be but a Parcel) ready to pay the Sheriff, and tenders the ſame, and that notwithſtanding ſuch Tender, the Sheriff ſhall take the Party tendering ſuch Tobacco, or his or her Goods in Execution, without ſuffering ſuch Tobacco to be viewed, or allowing a reaſonable Time for ſuch View, not to exceed Ten Days, that in all ſuch Caſes, the Sheriff ſhall not only have no Fees, but alſo be liable to an Action of Falſe Impriſonment, or Treſpaſs, and to pay double Damages and Coſt of Suit to the Party grieved; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VII.

Paſſed 4th *Nov.* 1724.

An Act to confirm unto William Anderſon *of* Ann-Arundel *County, Planter, a certain Tract of Land herein after mentioned. Lib.* L. N° 5. *fol.* 11. *PR.*

CHAP. VIII.

Ditto.

An Act for the Naturalization of John Swineyard *of* Baltimore *County, Planter. Lib.* L. N° 5. *fol.* 11. *PR.*

CHAP. IX.

Ditto.

An Act for confirming a certain Deed of Settlement made by Robert Proctor, *of certain Lands and Tenements therein mentioned, to his then Wife* Rachel, *now called* Rachel Freeborn; *and to inveſt the ſaid* Rachel *with other Lands, in purſuance of one Deed of Gift Settlement. Lib.* L. N° 5. *fol.* 12. *PR.*

CHAP. X.

Ditto.

An ACT repealing Part of an Act, entitled, * An Act laying an Impoſition on Negroes, and ſeveral Sorts of Liquors imported; and alſo on *Iriſh* Servants, to prevent the importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* L. N° 5. *fol.* 15.

* 1715, *ch.* 36.

That Part of the Act of 1715, *ch* 36, which impoſes 9 *d.* per Gallon on Rum, *&c.* by Land from *Penſylvania*, repealed.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Part of the ſaid Act impoſing Nine-pence per Gallon on Rum, Spirits, Wine and Brandy, to be imported from *Penſilvania*, and the Territories thereto belonging, by Land, ſhall be utterly repealed and made void.

II. **Provided always,** That nothing in this Act ſhall extend, or be conſtrued to extend, to exempt Perſons bringing any of the ſaid Liquors from *Penſilvania* by Land, from paying the Duty of Three-pence per Gallon for the

the ſame, which Duty ſhall be, and is hereby declared, to be ſtill due and payable, ſubject to the ſame Diſcounts and Allowances with the Duty on any of the ſaid Liquors imported from other Places; any thing in this or any other Law to the contrary notwithſtanding. CHAP. X. But 3 *d.* per Gallon for the ſame is declared to be ſtill due and payable.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI.

An Act for ſecuring the Rights and Inheritances of ſundry the Inhabitants within this Province, againſt certain Impoſitions, by pretence of ſuſpected [a] *Deeds. Lib.* L. N° 5. *fol.* 15. *PR.* Paſſed 4th *Nov.* 1724.

[a] Produced by one *William Vanhaeſdonk Riddleſden*, who called himſelf *William Cornwallis*; and was a Convict, of a moſt infamous Character.

CHAP. XII.

An Act for the Relief of ſundry languiſhing Priſoners, therein mentioned. Lib. L. N° 5. *fol.* 17. *PR.* Ditto.

Viz. *John Medcalf* and *Suſannah Mitchell*, in *Prince George's* County; *Anne Braham*, *John Hurſt*, *Edward Norwood*, and *Frances Dorſey*, Widow, in *Baltimore* County; *Edward Jones*, in *Talbot* County; *Thomas Oldham*, and *William Norton*, in *Cæcil* County; *Matthew Aſhley* and *Thomas Shore*, in *Ann-Arundel* County; *John Clements*, in *Dorcheſter* County; *John Oliver*, in *Kent* County; and *William Owen*, and *John Ratcliffe*, in *Queen-Ann's* County.

CHAP. XIII.

An Act to enable John Cheney, *and* Mary *his Wife, to ſell in Fee-ſimple, Three Hundred Acres, Part of a Tract of Land called* Waterford; *notwithſtanding the ſame is ſpecially intailed on the Heirs of the Body of the ſaid* Mary, *by* Benjamin Williams *of* Ann-Arundel *County. Lib.* L. N° 5. *fol.* 22. *PR.* Ditto.

CHAP. XIV.

A Supplementary ACT to the Act, entitled, * An Act for the Marking of Highways, and making the Heads of Rivers, Creeks, Branches, and Swamps, paſſable for Horſe and Foot. *Lib.* L. N° 5. *fol.* 23. Ditto.

* 1704, *ch.* 21.

WHEREAS it is repreſented to this preſent General Aſſembly, That the ſeveral Bridges that have been heretofore made over the Heads of Rivers, Creeks, Branches, Swamps, and other low and miry Places, are very much broken and out of Repair, and ſeveral new Bridges are ſtill wanting; and that it is the general Complaint of the Overſeers of the Highways, that they are rendered uncapable of Repairing the old, or Making new ones, being forwarned by the Owners of the adjacent Lands from cutting any Trees neceſſary for ſuch Repairing or Making of Bridges. Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful for the ſeveral and reſpective Overſeers of the Highways within this Province, and they are hereby impowered, as often as Need ſhall require, for repairing and making of Bridges over the Heads of Rivers, Creeks, Branches, Swamps, or other low and miry Places, to cut down, or cauſe to be cut down, any Tree or Trees, growing on any of the next adjacent Lands to ſuch Bridges neceſſary to be made or repaired, and the ſame Trees to maul or cauſe to be mauled, and carried from off ſuch adjacent Lands, and applied to the Making and neceſſary Repairs of ſuch Bridges as aforeſaid. Overſeers of Highways impowered to cut down Trees for the making and repairing Bridges.

III. **Provided always**, That the Trees allowed to be cut down, in Manner and for the Uſe aforeſaid, be not ſuch as are fit to make Clapboards, or Cooper's Timber; nor for the Building or Repairing any Bridges that are built or maintained at a Public or County Charge. But not Trees fit for Clapboards, *&c.* nor for public Bridges.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XV.

Passed 4th Nov. 1724. *An Act for the Relief of the Deviſees of* James Philips *the Elder, and* Anthony Philips, *late of* Baltimore *County, deceaſed. Lib.* L. N° 5. *fol.* 23. *PR. REP.* 1732, *ch.* 16.

CHAP. XVI.

Ditto. *An Act for erecting a Town at* Joppa, *in* Baltimore *County, and for ſecuring the Land whereon the Court-houſe and Priſons are built, to the Uſe of the ſaid County. Lib.* L. N° 5. *fol.* 24.

N. B. A Public Court-houſe and Priſon having been erected at *Joppa*, at the County Expence, and the Right of the Land being in a Minor, who could not Convey, although his Father, Col. *James Maxwell* had received full Satisfaction for the ſame; it is therefore Enacted, (1.) That the Land already allotted for the Court-houſe and Priſons, (not leſs than Two Acres) and whereon they are built, ſhall be to the Uſe of the County for ever. (2.) Certain Commiſſioners impowered to purchaſe by Agreement or Valuation of a Jury, 20 Acres of Land at *Joppa*, and cauſe the ſame to be ſurveyed and laid out into 40 Lots, to be erected into a Town, ſo as the Public Buildings may be included therein, and the Lots ſo laid out as not to affect the Improvements of Colonel *James Maxwell* and his Son, already made there, with convenient Streets, *&c.* and the Lots to be Numbered from One to Forty. (3.) The Owner of the Land to have his firſt Choice of Two Lots, and then the remaining Lots to be taken up by others, ſo that no Perſon take up more than one Lot during the firſt Four Months; but if not taken all up by Inhabitants of the County within that Time, then any other Perſons to have Liberty of taking up the ſame, paying the Owner proportionably. (4.) Takers-up of Lots not Building thereon within Twelve Months a Houſe to cover 400 ſquare Feet, and no Houſe to have any Chimney unleſs of Brick or Stone, it ſhall then be lawful for any other Perſon to enter upon the Lot ſo not built upon, paying the Sum firſt ſet thereon to the Commiſſioners, or Perſons by them appointed to receive the ſame, to the Benefit of the Town, to be called *Joppa*: And ſuch ſecond Taker-up building and finiſhing (within One Year after ſuch his Entry) ſuch Houſe as before limited and appointed, ſhall have as good Eſtate therein as the firſt Taker-up, *&c.* (5.) Lots not taken up during Seven Years after Publication of this Act, ſhall revert to the Owner of the Land. (6.) Debtors bringing their Tobaccoes to the ſaid Town, and paying the ſame to their Creditors, or their Receivers, ſhall be allowed thereout 10 per Cent, to be deducted out of the Debt, or allowed of in Bar or Diſcount, of any Action to be brought againſt ſuch Debtors by any Creditors, in any Court within this Province.

See a Supplementary Act, 1737, *ch.* 11.

CHAP. XVII.

Ditto. *A Supplementary Act to the Act, entitled,* [f] *An Act for the Trial of all Facts in the Counties where they have ariſen and ſhall ariſe; the Continuance of Cauſes in the Provincial Court, and Adjournment of that Court. Lib.* L. N° 5. *fol.* 26. *EXP.*

[f] 1723, *ch.* 3; which, together with this Act, was farther continued by 1727, *ch.* 6. And both expired in 1731.

CHAP. XVIII.

Ditto. An ACT for explaining a Paragraph of the * Supplementary Act to the Act, entitled, An Act directing the Manner of Electing and Summoning Delegates. *Lib.* L. N° 5. *fol.* 28.

* 1718, *ch.* 1.

Preamble. WHEREAS in the Supplementary Act to the Act directing the Manner of Electing and Summoning Delegates and Repreſentatives to ſerve in ſucceeding Aſſemblies, it is Provided, That nothing in that Act ſhould be conſtrued to debar or hinder any of the People called, and generally reputed, Quakers, from their Votes in Election, they being otherwiſe duly qualified, ſome Queſtions have aroſe thereon, Whether Quakers are intended to be otherwiſe exempt thereby from all Queſtions concerning their Fidelity to the Government, than by allowing them the Liberty of taking their Affirmation to his Majeſty's Government preſcribed by Law, inſtead of the Oaths, as is now uſed in *England:* For declaring thereof,

Recital of the Act of 1718, *ch.* 1.

Doubts ariſen thereon.

Quakers to take Affirmation inſtead of the Oaths to the Government. II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in all Caſes where any the good People of this Province are obliged or required to take the Oaths to his Majeſty's Government, the Quakers be likewiſe obliged to take their Affirmation in the like Caſes as allowed and preſcribed by Law, inſtead of ſuch Oaths;

Oaths; any Conſtruction of the aforementioned Proviſo to the contrary notwithſtanding. CHAP. XVIII.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIX.

An Act relieving the Inhabitants of this Province from ſome Difficulties they may lie under in paying their Levies, and other juſt Tobacco Debts this Year. Lib. L. N° 5. *fol.* 29. *EXP.* Paſſed 4th *Nov.* 1724.

CHAP. XX.

An Act for the Relief of Thomas Dent *of* Charles *County, Gent. Lib.* L. N° 5. *fol.* 34. *PR.* Ditto.

CHAP. XXI.

An ACT reviving and continuing the * Act for Limitation of Officers Fees, and for ſupplying ſome Defects therein: And for Amendment thereof in ſome Particulars, and reſtraining ſome ill Practices of Sheriffs. *Lib.* L. N° 5. *fol.* 37. Ditto.

* 1723, *ch.* 4.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-third Day of *September*, *Anno Domini* Seventeen Hundred and Twenty-three, entitled, *An Act reviving and continuing an Act, entitled, An Act for Limitation of Officers Fees, and ſupplying ſome Defects therein*, be, and is hereby revived and continued to be and remain in Force from and after the Twenty-fifth Day of *September* next, for and until the Twenty-fifth Day of *December*, which ſhall be in the Year of our Lord Seventeen Hundred and Twenty-five, and no longer. Continuance of the Act of 1723, *ch.* 4, which is ſince expired.

II. **And** for that ſeveral Complaints have been made to this Aſſembly, That ſeveral Sheriffs, meerly to increaſe Fees to themſelves, have executed ſeveral Perſons for Public and County Levies, and Officers Fees, and charged Execution Fees thereon, when they might have received their Dues without ſuch Execution; although they have and are allowed a large Commiſſion for collecting the ſame: And for that the Power of Execution ought not to be uſed in Oppreſſion of the People, but only to enable the Sheriff to get in and collect the Public Dues and Officers Fees with the greater Facility: And for that Perſons whoſe Goods are taken in Execution for Officers Fees, are not expreſſly provided for by the Act to reſtrain the ill Practice uſed by Sheriffs, in taking Goods by *Fieri facias*, and ſelling them by *Venditioni exponas*, although within the Reaſon and Intent thereof; which Omiſſion gives the Sheriffs frequent Opportunities of Oppreſſing many of the poorer Sort of People: For Prevention of which Inconveniency and Evils, **Be it Enacted and Declared**, That no Sheriff ſhall be allowed any Fee or Reward, for executing for any Public or County Levies, or any other Public Dues or Officers Fees. And if the Sheriff ſhall tranſgreſs this Act, he ſhall be liable to the ſame Pains, Penalties and Forfeitures, that Officers are liable to by the Laws in Force, for taking more Fees than are allowed; any Uſage or Cuſtom to the contrary notwithſtanding. Oppreſſive Practice of ſome Sheriffs in executing for Public Dues.

No Sheriff to have any Fee for executing for Levies or Fees.

III. **And be it further Enacted and Declared**, That where any Sheriff ſhall take any Goods in Execution for Officers Fees, ſuch Sheriff ſhall proceed in the ſame Manner as the Act, entitled, *An Act to reſtrain the ill Practice uſed by Sheriffs in taking Goods by* Fieri facias, *and ſelling them by* Venditioni exponas, directs, in caſe of Goods taken by virtue of a *Fieri facias*; any Law, Uſage or Cuſtom to the contrary notwithſtanding. Sheriffs executing Goods for Officers Fees, ſhall proceed according to 1716, *ch.* 16.

CHAP. XXI.

Sheriffs ſhall diſcount Debts due from them out of any Levies, &c. and Notes drawn on them by public Creditors, &c.

IV. And for that ſeveral Perſons having Tobacco in the Sheriffs Hands, and drawing Notes for the ſame, ſundry Sheriffs frequently refuſe to pay or diſcount the Contents of ſuch Notes, without an Allowance of Ten per Cent, or ſome other Allowance, as a Reward for paying or diſcounting their own juſt Debts, to the great Prejudice of the Public Credit, and of ſeveral private Perſons; Be it therefore Enacted, That the ſeveral Sheriffs within this Province, ſhall be obliged to diſcount any Debts due from them, or any of them, to any of the Inhabitants of this Province, out of any Public or County Levies, Public Dues or Officers Fees, and to allow and diſcount the Contents of any Note that ſhall be drawn, payable or indorſed to any Perſon being indebted to the Sheriffs on any of the Accounts already mentioned, ſo far as they ſhall owe the Drawer of ſuch Note, without any Deduction or Allowance for ſuch Diſcount, on Pain of forfeiting Two Thouſand Pounds of Tobacco for every Offence, one Half thereof to the Lord Proprietary, for the Uſe of Public Schools, where the Offence ſhall be committed, the other Half to the Party grieved, or other Perſon that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

Penalty on Refuſal.

Proviſo.

V. Provided always, That the Sheriff ſhall not be obliged to diſcount a Parcel ſo as to break an entire Hogſhead, except where the Parcel ſhall be due immediately from the Sheriff to the Debtor; any thing in this Act to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXII.

Paſſed 4th *Nov.* 1724.

A Supplementary ACT to the * Act for encouraging the making Hemp and Flax within this Province. *Lib.* L. N° 5. *fol.* 39.

*1706, *ch.* 11.

Preamble.

WHEREAS by the before recited Act, which was made in the Year Seventeen Hundred and Six, all Perſons claiming Benefit thereby, were obliged to tender to their Creditors their Hemp and Flax in ſome Port or Town within this Province, there being at the Time of making the ſaid recited Act, ſeveral Towns in every County within this Province: But foraſmuch as there are now but few Towns or Ports within this Province, ſo that by the before recited Act, as it now ſtands, ſundry Inhabitants of ſeveral Counties, for want of Towns and Ports, can have no Benefit thereof: To prevent which, and that all Perſons may reap the Benefit intended them by the before recited Act,

A Tender of Hemp and Flax at the Creditors Dwelling-Houſe, &c. ſhall be good in Law;

II. Be it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Perſons hereafter tendering Hemp and Flax to the Creditors, at the Creditors own Dwelling-Houſes, or at the Dwelling-houſe of the Creditor's Receiver, in caſe the Creditors do not reſide in the ſame County with their Debtors, ſhall have the ſame Benefit and Advantage of the afore-recited Act, as if they had tendered the ſame to their Creditors in ſome Port or Town within this Province, according to the Directions of the afore-recited Act; any thing in the ſaid recited Act to the contrary thereof in any wiſe notwithſtanding.

Except Public, County, and Clergy's Dues.

III. Provided, That nothing in this Act ſhall affect the Public or County Levy, or Forty per Poll due to the Clergy of this Province; any thing in this or the before recited Act to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XXIII.

An Act for the Payment and Assessment of the Public Charge of this Province for this present Year One Thousand Seven Hundred and Twenty-four. *Lib.* L. N° 5. *fol.* 40. Passed 4th *Nov.* 1724.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on Tuesday the 5th Day of *October*, and ended Saturday the 6th Day of *November*, in the 11th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1725, were Enacted the following Laws. 1725.

CHARLES CALVERT, Esq; Governor.

CHAP. I.

An Act for ascertaining the Form of the Oath of Judge or Justice. *Lib.* L. N° 5. *fol.* 41. *DISSENT.* Passed 6th *Nov.* 1725.

CHAP. II.

An Act for destroying Squirrels and Crows. *Lib.* L. N° 5. *fol.* 42. *EXP.* Ditto.

To be in Force 3 Years, &c. A new Law made 1728, *ch.* 7.

CHAP. III.

An Act for relieving the Inhabitants of this Province from sundry Aggrievances they lie under, occasioned by the Scarcity of Tobacco within this Province in the Year One Thousand Seven Hundred and Twenty-four. *Lib.* L. N° 5. *fol*, 44. *OBS.* Ditto.

CHAP. IV.

An ACT declaring Female Mulattoes born of White Women, and Free Negro Women, to be Taxables. *Lib.* L. N° 5. *fol.* 45. Ditto.

FORASMUCH as Female Mulattoes born of White Women, and Free Negro Women are not mentioned in the Act ascertaining what Persons are Taxables within this Province, Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same*, That all Female Mulattoes born of White Women, and Free Negro Women, of the Age of Sixteen Years, shall hereafter be accounted Taxable Persons, and shall be subject and liable to all the Forfeitures and Penalties other Taxables are subjected to by the Laws heretofore made concerning them; any Law, Statute, Usage or Custom to the contrary notwithstanding. Female Mulattoes born of White Women, and Free Negro Women, of the Age of 16, are Taxables.

Examined and Compared with the Original Act; REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

An Act reviving and continuing an Act of Assembly of this Province, entitled, [a] *An Act for the better Relief of poor Debtors.* *Lib.* L. N° 5. *fol.* 46. *EXP.* Passed 6th *Nov.* 1725.

[a] 1722, *ch.* 13, hereby continued 3 Years, &c.

CHAP. VI.

Paſſed 6th Nov. 1725.

An ACT to prevent ſeveral Irregularities complained of by the People called Quakers. *Lib.* L. N° 5. *fol.* 47.

Supplementary, &c. Acts, 1747, *ch.* 17; and 1752, *ch.* 14.

Preamble.

WHEREAS it is humbly repreſented to this preſent General Aſſembly, by the People called Quakers, That ſundry Perſons ſet up Booths, and ſell Drink and other Things, near their Yearly Meeting-houſes within this Province, whereby thoſe Places which were by them intended and uſed as Places of ſolemn Worſhip, are converted into Places of Traffic, Debauchery and Immorality, to their very great Diſturbance in the Exerciſe of their Religion, and the Worſhip of GOD. And foraſmuch as the ſeveral Methods heretofore uſed for the Suppreſſion of ſuch Irregularities have proved altogether ineffectual: It is humbly prayed that it may be Enacted,

See the Note below, and the Act therein referred to.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That whoſoever from and after the Publication hereof, ſhall preſume either to ſet up a Booth, or ſell or diſpoſe of any Liquor, or other Matter or Thing whatſoever, either by Land or Water, within One Mile of the Yearly Meeting-houſe (of the ſaid People called Quakers) in *Talbot* County, or within Two Miles of their Yearly Meeting-houſe near *Weſt-River* in *Ann-Arundel* County, during the Time of ſuch Yearly Meetings, ſhall for every ſuch Offence forfeit and pay unto the Right Honourable the Lord Proprietary, his Heirs and Succeſſors, the Sum of Ten Pounds Current Money of *Maryland*, one Half thereof to be applied to the Uſe of the Public School of the County where ſuch Offence ſhall be committed, the other Half to him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint or Information; wherein no Eſſoin, Protection or Wager of Law to be allowed.

One Half to the County School, the other to the Proſecutor.

By 1752, *ch.* 14, no Liquors ſhall be ſold at ſuch Times within 3 Miles of the ſaid Meeting-Houſes, on Penalty of 5 *l.* Currency.

Duty of a Magiſtrate on Complaint made to him.

III. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That upon Complaint made to any Juſtice of the Peace for the County where ſuch Offence ſhall be committed, the ſaid Juſtice is hereby required immediately to iſſue his Warrant to cauſe the ſaid Offender to be brought before him, and upon Proof made to him of the Premiſes, by the Oath (or Affirmation if a Quaker) of one credible Witneſs, or Confeſſion of the Party, to commit the ſaid Offender to Priſon, until he ſhall remove ſuch Booth, Liquor, or other Things, from without the Bounds aforeſaid, and give ſufficient Security to anſwer for the ſaid Offence at the next Court to be held for the County where it ſhall be committed.

Ordinary-Keepers may ſell in their Dwelling-Houſes.

IV. **Provided always,** That this Act ſhall not be conſtrued to hinder any Ordinary-Keeper from ſelling Liquors in their reſpective Dwelling-houſes.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

See 1752, *ch.* 14, §. 3.

CHAP. VII.

Paſſed 6th Nov. 1725.

An Act to confirm an Eſtate in Fee-ſimple to ſuch Perſons as already have, or hereafter ſhall purchaſe, any the Lands lying in the New-Town, commonly called the Addition to the City of Annapolis; *or any Land adjoining to the ſaid City of* Annapolis, *commonly called the Town Paſture or Common; and to inveſt them with the ſame Privileges within the City of* Annapolis, *as other the Freeholders therein now have, or hereafter may enjoy.* *Lib.* L. N° 5. *fol.* 48.

N. B. By this Act (1.) Lots or Parcels of Ground already purchaſed, or hereafter to be purchaſed from the reſpective Proprietors, either in the Addition to the City of *Annapolis*, or the Town Paſture, ſhall be carefully ſurveyed, numbered in the uſual Manner, and returned into the

the Mayor's Court Office. (2.) Such Purchasers, their Heirs and Assigns, shall hold an absolute Estate in Fee-simple in such Lots: And by virtue of such Purchase, and building a Dwelling-house with 400 Foot of Flooring, besides Garrets or Roofs, shall for every Quarter of an Acre so improved, enjoy all the Privileges of Freeholders, or Inhabitants of the said City. (3.) The present Owners may sell unto any Purchasers, to hold of them under the like Rents, &c. as the said Owners hold the same under his Lordship, as in Cases of Lord Mesne and Tenant in *England*, in case they make their Deeds accordingly. (4.) Provided that convenient Streets and Alleys be duly regarded. (5.) A Saving of Rights to his Lordship, all Bodies Politic and Corporate, and all others not herein mentioned. CHAP. VII.

CHAP. VIII.

An ACT declaring Probates of Deeds, or other Matters, and Acknowledgments of Deeds taken before Two Magistrates of the City of *Annapolis*, to be good and valid in Law. *Lib.* L. N° 5. *fol.* 50.

Passed 6th *Nov.* 1725.

BE it Enacted, *by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all Probates of any Deeds, or other Matters, made either in the Mayor's Court, or before two of the Magistrates of the City of *Annapolis*, and all Deeds of Lands lying within the Precincts of the City of *Annapolis*, acknowledged either in the Mayor's Court, or before two such Magistrates as aforesaid; shall be, and are by this Act declared as good and available in Law in all respects, as if made or acknowledged in the same Manner before any One Justice of the Provincial Court, or Two Justices of a County Court; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Probates of Deeds, &c. in the Mayor's Court, or before Two City Magistrates, to be good in Law.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

An Act to invest the Vestry of Great Choptank *Parish, in* Dorchester *County, with an Estate in Fee-simple to the* [b] *Lands therein mentioned. Lib.* L. N° 5. *fol.* 50.

Passed 6th *Nov.* 1725.

[b] *Viz.* Two Acres of Land, Parcel of 15 Acres laid out for Public Uses at the Town of *Vienna* in the said County, whereon the Chapel is built. See 1730, *ch.* 2, by which the Bounds of the said Two Acres are established.

CHAP. X.

An Act for dividing Great Choptank *Parish, in* Dorchester *County, and for erecting a Parish out of the same, called by the Name of* St. Mary-White-Chapel *Parish. Lib.* L. N° 5. *fol.* 51.

Ditto.

(1.) From and after the 10th *December* 1725, all that Part of *Great Choptank* Parish, beginning at the Mouth of *Cabbin-Creek*, on the South Side of *Great Choptank* River, and running up the said Creek, bounded therewith to the Mill; and from thence running across to the North West Fork of *Nanticoke*, as the Line runs which divides *Great Choptank* Hundred from *Nanticoke* Hundred; and so binding all round with the said *Great Choptank* Hundred to the Mouth of the said *Cabbin-Creek*; is by this Act separated, constituted, erected and made into a Parish, by the Name of *St. Mary-White-Chapel* Parish, divided as aforesaid from *Great Choptank* Parish; and to be adjudged, deemed and taken, as a separate and distinct Parish. (2.) The Freeholders thereof impowered to elect Vestry-men, and found a Church, and enjoy all Privileges and Advantages whatsoever, that are held and enjoyed by any other Parish within this Province.

CHAP. XI.

An Act for the removing the Court-house from Battle-Creek *in* Calvert *County, and for building a Court-house for the said County on, or near, that Place in the said County, commonly called and known by the Name of* William's Old Field; *and for making Sale of the old Court-house and Prison. Lib.* L. N° 5. *fol.* 52.

Ditto.

By this Act (1.) The Justices of *Calvert* County were impowered to make choice of, and purchase, (by Agreement, or Valuation of a Jury) Three Acres of Land on or near the Place aforesaid, whereon to build a Court-house. (2.) The said Justices to cause the said Three Acres to be laid out by the County Surveyor, and a Certificate thereof to be returned and recorded in the County Records, &c. (3.) *Calvert* County Court to be held in such new Court-house when built, and not elsewhere. (4.) All the Records, Books, Rolls, Papers, &c. to the said County belonging, to be removed from the old to the new Court-house, and a List thereof to be signed by the County Clerk, and recorded amongst their Proceedings. (5.) The said Justices impowered to make Sale of the old Court-house and Prison, with the Lands thereunto belonging, and convey the same in Fee-simple, &c.

CHAP.

CHAP. XII.

Passed 6th Nov. 1725. *An Act to encourage the Takers-up of Runaway Slaves, that shall be taken up by any Person, and brought in from the Back Woods.* *Lib.* L. N° 5. *fol.* 55.

N. B. The Back Woods being now inhabited, a new County erected therein, and no Commission subsisting whereon the Execution of this Act wholly depends, it is in Effect become *OBSOLETE.*

CHAP. XIII.

Ditto. *An Act for the Relief and Release of poor distressed Prisoners for Debt.* *Lib.* L. N° 5. *fol.* 58. *REP.* 1726, *ch.* 5.

CHAP. XIV.

Ditto. *An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees; and ascertaining what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit Courts.* *Lib.* L. N° 5. *fol.* 64. *REP.*

N. B. This Act was passed for 3 Years, but was Repealed in *March* Session this Year, *ch.* 22, by a new Law.

CHAP. XV.

Ditto. *An Act for the Payment and Assessment of the Public Charge of this Province, for this present Year, One Thousand Seven Hundred and Twenty-five.* *Lib.* L. N° 5. *fol.* 69.

CHAP. XVI.

Ditto. *An Act for the Naturalization of* Michael Ury, *of* Prince George's *County, a* Greek. *Lib.* L. N° 5. *fol.* 71. *PR.*

CHAP. XVII.

Ditto. *An Act to enable* Orlando Griffith *and* Catharine *his Wife, to sell the Moiety or Half Part of a certain Tract of Land hereafter mentioned; and for entailing other Land in lieu thereof.* *Lib.* L. N° 5. *fol.* 72. *PR.*

CHAP. XVIII.

Ditto. *An Act to enable* John Speake, *junior, of* Charles *County, to confirm a Tract of entailed Land, lying in* Prince George's *County, called* Plymouth, *unto the Purchasers thereof; and to entail certain Lands in* Charles *County in lieu thereof.* *Lib.* L. N° 5. *fol.* 75. *PR.*

CHAP. XIX.

Ditto. *A Supplementary Act to an* [c] *Act impowering certain Trustees to sell a Tract of Land in* Talbot *County, called* Frankford St. Michael, *late the Estate of Inheritance of* William Harris, *late of* Calvert *County; and, with the Money thereby arising, to purchase other Lands for the Use of* Joseph Harris, *and* Benjamin Harris, *Sons of the said* William Harris, *and the Heirs of their Bodies, according to the Directions of the Last Will and Testament of the said* William Harris. *Lib.* L. N° 5. *fol.* 78. *PR.*

[c] 1708, *ch.* 11.

CHAP. XX.

Passed 6th Nov. 1725. *An Act for the Relief of* James Moor *of* Baltimore *County.* *Lib.* L. N° 5. *fol.* 81. *PR.*

CHAP. XXI.

Ditto. *An Act to repeal an Act, entitled,* [d] *An Act for confirming and making valid the Last Will and Testament of Colonel* John Contee. *Lib.* L. N° 5. *fol.* 83. *PR.*

[d] 1708, *ch.* 13.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 15th, and ended the 23d Day of *March*, in the 11th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1725; were Enacted the following Laws, *viz.*

CHARLES CALVERT, Eſq; Governor.

CHAP. XXII.

An Act to reſtrain the ill Practices of Attorneys, and to prevent their taking Money Fees; and aſcertaining what Fees ſhall be allowed to Practitioners in the Law, who ſhall attend the Circuit Courts. *Lib.* L. N° 5. *fol.* 86. *EXP.* Paſſed 23d March 1725.

To continue in Force 3 Years, &c. and farther continued by 1729, *ch.* 22, for 3 Years, &c. but the continuing Act was Diſſented to by his Lordſhip. *N. B.* This Act Repealed *ch.* 14 of the preceeding Seſſion this Year.

CHAP. XXIII.

An Act for Limitation of Officers Fees. *Lib.* L. N° 5. *fol.* 98. Ditto.

To be in Force 3 Years, &c.

CHAP. XXIV.

An Act to revive, continue, and make good and valid in Law, all Proceſs and Proceedings, in any of the County Courts within this Province, from the Firſt Day of the County Courts, held, or to be holden, in this Month of March *One Thouſand Seven Hundred and Twenty-five, until the Firſt Day of the ſeveral County Courts that are to be held in the Month of* June, Anno Domini *One Thouſand Seven Hundred and Twenty-ſix.* *Lib.* L. N° 5. *fol.* 114. Ditto.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 12th, and ended the 25th Day of *July*, in the 12th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1726, were Enacted the Laws following, *viz.* 1726.

CHARLES CALVERT, Eſq; Governor.

CHAP. I.

An Act for uniting Part of Baltimore *County to* Ann-Arundel *County.* *Lib.* L. N° 5. *fol.* 118. Paſſed 25th July 1726.

N. B. By this Act (1.) From and after the laſt Day of *May* 1727, the Land lying on the South Side of *Patapſco* River, and contained within the Bounds following, *viz.* From the Mouth of the ſaid *Patapſco* River, with the ſaid River to the Head thereof; and from thence, bounding on the South Side of the Main-Falls, being the Southernmoſt great Branch of the ſaid River, and running as the ſaid Branch runs to the firſt Main-Fork of the ſaid Falls; and then bounding on the South Side of the ſaid Southernmoſt Fork, till a South Courſe will interſect the Head of

CHAP. I. of *Snowden's* River; and ſo down the ſaid *Snowden's* River, till it meet with the now Extent of *Ann-Arundel* County, ſhall be, and for ever hereafter deemed as Part of *Ann-Arundel* County: And the Inhabitants thereon already, or hereafter to be ſeated, are hereby declared to be Inhabitants of *Ann-Arundel* County, and entitled to the ſame Rights and Privileges within the ſame *Ann-Arundel* County, as other Inhabitants thereof now or hereafter may have. (2.) That Part of the Act (of 1698, *ch.* 13,) for dividing *Ann-Arundel* County, which relates to the South Side of *Patapſco* River, being added to *Baltimore* County, is hereby repealed.

CHAP. II.

Paſſed 25th *July* 1726. *An Act to confirm a Marriage Agreement heretofore made betwixt* Randal Revel, *ſenior, and* Katherine *his Wife, on the Behalf of* Randal Revel, *junior, and* Sarah *his Wife; and to inveſt the Heirs of the ſaid* Sarah *with an Eſtate of Fee-Tail general, according to the ſaid Agreement. Lib.* L. N° 5. *fol.* 121.

CHAP. III.

Ditto. *An Act for reviving an Act, entitled,* [a] *An Act for raiſing a Duty of Three-pence per Hogshead on all Tobacco exported out of this Province for the Uſes therein mentioned. Lib.* L. N° 5. *fol.* 123. *EXP.*

[a] 1720, *ch.* 1, hereby continued till the 29th *September* 1729.

CHAP. IV.

Ditto. *An Act reviving and continuing the* [b] *Act for aſcertaining the Gauge and Tare of Tobacco Hogsheads,* &c. *Lib.* L. N° 5. *fol.* 124. *EXP.*

[b] 1717, *ch.* 77, hereby continued till the 29th *September* 1729.

CHAP. V.

Ditto. *An Act repealing an Act of Aſſembly, entitled,* [c] *An Act for the Relief and Releaſe of poor diſtreſſed Priſoners for Debt. Lib.* L. N° 5. *fol.* 125.

[c] 1725, *ch.* 13, hereby Repealed.

CHAP. VI.

Ditto. *An Act for dividing Part of* St. John's *Pariſh in* Prince George's *County, and for erecting Part thereof into a new Pariſh. Lib.* L. N° 5. *fol.* 126.

N. B. By this Act (1.) From the 4th Tueſday (*viz.* 22d) of *November* next, the Three Hundreds, *viz. Eaſtern Branch, Rock-Creek,* and *Patowmack,* from the Mouth of the *Eaſtern Branch* to the Fork thereof, and ſo up with the North East Branch that makes the ſaid Fork unto the Head thereof; thence continuing the Courſe of the ſaid Branch by a ſtrait Line, 'til it ſtrike *Patuxent* River, ſhall be taken from *St. John's* Pariſh aforeſaid, in *Prince George's* County, and erected into a new Pariſh, by the Name of *Prince George's* Pariſh; and thenceforth be deemed, &c. *Prince George's* Pariſh, and not Part or Parcel of the ſaid *St. John's* Pariſh; and the Boundaries aforeſaid, always to be deemed, &c. the undoubted Boundaries to divide the Pariſh aforeſaid. (2.) The Inhabitants to enjoy all Benefits, Powers, &c. equal with the Inhabitants of any other Pariſh within this Province; with full and ample Power to elect Veſtry-men and Church-wardens, and to build and found a Church, &c.

CHAP. VII.

Ditto. *An Act making good and effectual in Law, a Deed of Bargain and Sale from* Thomas Dent *of* Charles *County, to* Thomas Oſborne *of the ſame County, when Recorded. Lib.* L. N° 5. *fol.* 129. *PR.*

CHAP. VIII.

Ditto. *An Act in Favour of* John Galloway, *and* John Giles, *to enable them to record a certain Deed herein mentioned, and to confirm the Recording thereof. Lib.* L. N° 5. *fol.* 131. *PR.*

CHAP. IX.

Ditto. A Supplementary ACT to the * Act for the better Adminiſtration of Juſtice in Teſtamentary Affairs, Granting Adminiſtrations, Recovery of Legacies, ſecuring Filial Portions, and Diſtribution of Inteſtates Eſtates. *Lib.* L. N° 5. *fol.* 134.

*1715, *ch.* 39.

Preamble. FORASMUCH as it is repreſented to this General Aſſembly, That ſeveral of the Inhabitants of this Province have ſuffered much Damage by the Shortneſs of the Time allowed for entering and proſecuting Appeals, from the Sentences and Decrees made in the Prerogative Court for Probate of Wills within this Province;

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes*

Houses of Assembly, and the Authority of the same, That every Person against whom any Sentence or Decree hath been made in the said Court, since the first Day of *May* this present Year, shall and may, by virtue of this Act, be at Liberty to enter an Appeal from any such Sentence or Decree, at any Time within Thirty Days after the End of this present Session of Assembly, and the said Appeal to prosecute before a Court of Delegates, at any Time within Thirty Days after such Appeal is entered: And that all Persons against whom any Sentence or Decree in the said Prerogative Court shall hereafter be made, shall be allowed the Space of Thirty Days to enter an Appeal therefrom, and Thirty Days more to prosecute such before a Court of Delegates; any thing in the Act *for the better Administration of Justice in Testamentary Affairs, Granting Administrations, &c.* or any other Law, Statute, Usage or Custom to the contrary thereof notwithstanding. CHAP. IX. 30 Days allowed to enter an Appeal from the Prerogative Court, and 30 Days more to prosecute the same before a Court of Delegates, the Act of 1715, *ch.* 39, §. 27, *&c.* notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. X.

An Act reviving and continuing an Act, entitled, [d] *An Act for regulating of Ordinaries. Lib.* L. N° 5. *fol.* 136. *EXP.* Passed 25th *July* 1726.

[d] 1717, *ch.* 1, hereby continued from the 29th *September* next, until the End of the next Session of Assembly, which should happen after the said 29th *September*.

CHAP. XI.

An Act for the further Encouragement of Tillage and Husbandry. Lib. L. N° 5. *fol.* 137. *EXP.* Ditto.

To be in Force Ten Years, from the 25th *March* 1727, to the 25th *March* 1737.

CHAP. XII.

An Act for the Relief of Josias Sunderland, *of* Calvert *County, from the Reversal of a Judgment obtained against him in his Lordship's Provincial Court, by* Samuel Gover, *of* Ann-Arundel *County, on an Appeal from* Calvert *County Court; the Original Action being brought as well at the Suit of the said Lord Proprietary as the said* Sunderland; *and for the Affirming the Judgment obtained by his said Lordship and* Sunderland, *against the said* Samuel Gover, *in* Calvert *County Court. Lib.* L. N° 5. *fol.* 139. *PR.* Ditto.

CHAP. XIII.

An Act impowering a Committee to lay, assess and apportion the Public Levy, for this present Year One Thousand Seven Hundred and Twenty-six. Lib. L. N° 5. *fol.* 140. Ditto.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 10th, and ended the 30th Day of *October*, in the 13th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq*; *Domini* 1727, were Enacted the following Laws, *viz.* 1727.

BENEDICT LEONARD CALVERT, Esq; Governor.

CHAP. I.

An Act for ascertaining the Form of the Oath of Judge or Justice. Lib. L. N° 5. *fol.* 143. *DISSENT.* Passed 30th *October* 1727.

CHAP. II.

Passed 30th October 1727.

An ACT directing the Payment of Fees arising due on the Profecution of White Servants which ſhall hereafter be imported into this Province. *Lib.* L. N° 5. *fol.* 145.

Preamble.

FORASMUCH as it is evident to this preſent General Aſſembly, That the Charges of late ariſing to the Public, and ſeveral of the Counties within this Province, on the Proſecution of Servants, have been a very great Burthen to the Public. And whereas it is manifeſt that ſeveral Felonies, and other Offences, have been frequently committed by Servants, which might have been prevented by their Maſters, by taking Care to keep them in due Order and Subjection, and ſometimes Servants have been induced by the Encouragement, and ſometimes by the Severity of their Maſters, to commit Felonies and other Crimes, the Maſters well knowing that in caſe of Proſecution, the [a] Expence thereof muſt have been borne by the Public, or the Inhabitants of the County or Counties where the Facts have been committed: For Remedy of which Evils,

[a] *viz.* by 1715, *ch.* 26, §. 9 and 10, hereby altered.

Fees due on Proſecution of imported Servants, at his Lordſhip's Suit, ſhall be paid by the Maſters,

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful, to and for the ſeveral and reſpective Officers within this Province, to whom any Fees ſhall ariſe due on any Proſecution of the Lord Proprietary, againſt any Servants that ſhall be imported into this Province, at any Time after the End of this Seſſion, to charge the ſame to, and recover the ſame from, the Maſters or Owners of ſuch Servants, in the ſame manner as if they aroſe due from, and were the proper Debts of, the Maſters or Owners themſelves, as by other Laws are provided: And that it ſhall not be lawful for any Officer, or other Perſon, to charge the Public, or any County, for any Fees that ſhall ariſe due on the Proſecution of any ſuch Servants as aforeſaid; any Law, Statute, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

and not by the Public or County.

Recompence to be made the Owners by Servitude, not exceeding 3 Years.

III. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful to and for the Owners of ſuch Servants (unleſs the Offence whereof he, ſhe or they, ſhall be convicted, be Capital, and that the Offender or Offenders are actually Executed for the ſame,) at or before the Time of the Expiration of ſuch Servant's Servitude, to carry ſuch Servant to the County Court held for their County, and on their making it fully appear to the Juſtices of ſuch Court, how much Tobacco hath been paid by them for ſuch Servant, on Account of ſuch Proſecutions, it ſhall and may be lawful for the Juſtices of ſuch Court, and they are hereby required, to adjudge what Time (not exceeding Three Years) they ſhall think reaſonable, to ſerve the Owner in Recompence to ſuch Fees paid as aforeſaid, unleſs ſuch Servant can make Payment thereof in ſome other manner.

Baſtard Children of Women Servants to be maintained by the Maſter, &c.

IV. **And be it Enacted**, *by the Authority aforeſaid*, That all Maſters and Owners of Women Servants, having Baſtard Children, ſhall be obliged to maintain ſuch Baſtard Children, at his and their own proper Coſt and Charge, during the Continuance of ſuch Servant Woman in his or their Service.

and if the Father be unknown, &c. the Mother ſhall make Recompence by Servitude, &c.

V. **Provided**, That it ſhall and may be lawful for the Juſtices of the County Court, where ſuch Baſtard Child or Children ſhall be born, to adjudge the Mother or Mothers of ſuch Baſtard Child or Children, where the Father is unknown, or incapable to make any Satisfaction, to make her or their Maſter or Owners full Satisfaction and Recompence by Servitude, or otherwiſe, for maintaining and ſupporting ſuch Baſtard Child or Children; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

VI. **Provided**

VI. **Provided always**, That where the Begetter or Begetters of such Bastard Child or Children, is or are Resident or Residents within this Province, of Ability to maintain such Child or Children, and lawfully convict of being the Begetter or Begetters of such Child or Children, it shall and may be lawful in all such Cases, for the several Justices of the Peace, to oblige such Father or Begetter, to support and maintain such Bastard Child or Children as heretofore they might have done; any thing in this Act to the contrary notwithstanding. CHAP. II. But the Father, if known, &c. shall maintain the Child.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

An Act giving Encouragement to make Hemp within this Province. *Lib.* L. N° 5. *fol.* 147. *EXP.* Passed 30th *October* 1727.

To continue in Force 3 Years, &c.

CHAP. IV.

An Act reviving and continuing an Act of Assembly, entitled, [b] *An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.* *Lib.* L. N° 5. *fol.* 148. *EXP.* Ditto.

[b] 1714, *ch.* 4, hereby continued 3 Years, &c.

CHAP. V.

An Act reviving and continuing an Act of Assembly, entitled, [c] *An Act for the Advancement of Justice.* *Lib.* L. N° 5. *fol.* 149. *EXP.* Ditto.

[c] 1723, *ch.* 12, hereby continued 3 Years, &c.

CHAP. VI.

An Act for reviving an Act, entitled, [d] *An Act for the Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise; the Continuance of Causes in the Provincial Court, and Adjournment of that Court, with the* [e] *Supplementary Act thereto; and to amend some Defects in the said Acts.* *Lib.* L. N° 5. *fol.* 149. *EXP.* Ditto.

[d] 1723, *ch.* 23. [e] 1724, *ch.* 17, hereby continued 3 Years, &c.

CHAP. VII.

An Act concerning Tobacco. *Lib.* L. N° 5. *fol.* 151. *EXP.* Ditto.

To continue in Force for 3 Years from the End of this Session: Repealed in Part by 1728, *ch.* 10, and totally expired 30th *October* 1730.

CHAP. VIII.

An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of William Parks *of the City of* Annapolis, *Printer.* *Lib.* L. N° 5. *fol.* 154. *EXP.* Ditto.

To continue in Force till the 21st *March* 1732; continued by 1733, *ch.* 1, for 7 Years; and expired in 1740. A Supplementary Act in 1737, *ch.* 13.

CHAP. IX.

An Act declaring the [f] *Bounds of Two Acres of Land heretofore granted to* Great Choptank *Parish, on which the Chapel in* Vienna *now stands.* *Lib.* L. N° 5. *fol.* 155. Ditto.

[f] Altered by 1730, *ch.* 2.

CHAP. X.

An Act impowering the Vestry-men and Church-wardens of St. Paul's *Parish, in* Baltimore *County, to purchase one or more Acres of Land in the said Parish, and to build a Parish Church thereon; as also for raising a Fund to compleat and finish the same.* *Lib.* L. N° 5. *fol.* 156. Ditto.

N. B. Land having been Purchased in pursuance of this Act, but not Built upon, a new Act was made 1730, *ch.* 9, for building the Parish Church in *Baltimore-Town*.

CHAP. XI.

An Act for erecting a Court-house and Prison on the East Side of the Head of Port-Tobacco *Creek, at a Place called* Chandler-Town, *in* Charles *County; and for making Sale of the old Court-house and Prison.* *Lib.* L. N° 5. *fol.* 158. Ditto.

N. B. By this Act, (1.) The Justices were impowered to make Choice of, and Purchase, three Acres of Land, by Agreement with the Owner, or Valuation of a Jury; which Land to be for the Use of the said County for ever; and thereon to build a Court-house and Prison. (2.) After building the said Court-house, *Charles* County Court to be held in such new Court-house, and not elsewhere; and all the Record Books, &c. belonging to the said County, to be removed there. (3.) The Justices impowered to make Sale of the old Court-house and Prison, with the Land thereto belonging, to the best Purchaser, and to convey an Estate thereof in Fee-simple to them, their Heirs and Assigns for ever, &c.

CHAP. XII.

Passed 30th October 1727. *An Act for the Naturalization of* Francis Rudolph Bodieu, *of* Kent *County, Chirurgeon, and his Children. Lib.* L. N° 5. *fol.* 160. *PR.*

CHAP. XIII.

Ditto. *An Act to make valid a Deed of Bargain and Sale from* William Rogers *and* Mary *his Wife, to* John Tennison *of* Charles *County, when recorded. Lib.* L. N° 5. *fol.* 160. *PR.*

CHAP. XIV.

Ditto. *An Act for the Naturalization of* Daniel Maynadier *of* Talbot *County, Clerk, and his Children. Lib.* L. N° 5. *fol.* 162. *PR.*

CHAP. XV.

Ditto. *An Act for the making good and valid a certain Indenture, or Deed of Bargain and Sale, from* Bartholomew Atkison, *and* Sebera *his Wife, late of* Baltimore *County, to* John Hurd *of* Ann-Arundel *County. Lib.* L. N° 5. *fol.* 163. *PR.*

CHAP. XVI.

Ditto. *An Act for the making good and valid in Law, a certain Deed of Bargain and Sale from* John Brown *of* Prince-George's *County, to* John Frazer *of* Calvert *County, Mariner. Lib.* L. N° 5. *fol.* 164. *PR.*

CHAP. XVII.

Ditto. *An Act for the Naturalization of* John Woolf *of the City of* Annapolis, *Shoemaker,* Hannah Woolf *his Wife,* Peter Woolf, *the Son of the said* John Woolf, Anneleſſe Woolf, *and* Hannah Woolf, *Daughters of the said* John Woolf; *and* Maudlin Woolf, *of the said City, Spinster; and* Garret Woolf, *of the said City, Shoemaker. Lib.* L. N° 5. *fol.* 165. *PR.*

CHAP. XVIII.

Ditto. *An Act for the Naturalization of* John Samuel Mynskie *of the City of* Annapolis, *Blacksmith, and* Catherine Mynskie *his Wife, and* Susannah Mynskie *his Daughter. Lib.* L. N° 5. *fol.* 166. *PR.*

CHAP. XIX.

Ditto. *An Act for the making good and valid in Law, a certain Indenture, or Deed of Bargain and Sale, from* John Grey *of* Ann-Arundel *County, to* Theophilus Kitton, *late of* Baltimore *County, Planter. Lib.* L. N° 5. *fol.* 167. *PR.*

CHAP. XX.

Ditto. *An Act impowering certain Commissioners to vend and dispose of the Lands whereof* Samuel Groome, *the Younger, died seized, or was Mortgagee in Fee, or otherwise, within this Province; as also to sell and dispose of so much of the said Land as will satisfy* Betty Gale *and* Levin Gale, *Executors of the Testament of* Levin Denwood, *late of* Somerset *County, deceased, the Sum of Eight Hundred and Twenty Pounds Five Shillings and Seven Pence Sterling, due from the said* Samuel Groome, *the Younger, to the said* Levin Denwood, *and yet unsatisfied to the said* Betty Gale *and* Levin Gale *his Executors. Lib.* L. N° 5. *fol.* 168. *PR.*

CHAP. XXI.

Ditto. *An Act for the Relief of* William Maria Farthing, *a languishing Prisoner in* St. Mary's *County*; John Conway, William Jones, John Cooke, Philip Anthony Uffleman, Samuel Glover, *and* Lawrence Hay, *languishing Prisoners in* Ann-Arundel *County*; John Petticoat, *a languishing Prisoner in* Baltimore *County*; John Wood, *a languishing Prisoner in* Ann-Arundel *County*; Thomas Hill, *a languishing Prisoner in* Talbot *County*; Clarina Gilly, *a languishing Prisoner in* Calvert *County*; John Glassington, *a languishing Prisoner in* Baltimore *County*; *and* Avinio Butler, *a languishing Prisoner in* Talbot *County. Lib.* L. N° 5. *fol.* 171. *PR.*

CHAP. XXII.

Ditto. *An Act for the recording of a Deed indented, of Bargain and Sale, from* Mary Orrel, *deceased, to* John Bickerton *of* Ann-Arundel *County. Lib.* L. N° 5. *fol.* 177. *PR.*

CHAP.

CHAP. XXIII.

An Act for the Recording an Indented Deed of Bargain and Sale, being the Counter-Part, or Duplicate, of an original Deed of Bargain and Sale from Mary Bateman *and* Henry Scarborough, *to* Richard Perry. *Lib.* L. N° 5. *fol.* 179. *PR.* Passed 30th *Octob.* 1727.

CHAP. XXIV.

An Act for the Relief of Peter Carmack. *Lib.* L. N° 5. *fol.* 181. *PR.* Ditto.

CHAP. XXV.

An Act for the Naturalization of Peter Montgomery *of* Charles *County, Planter, and his Children. Lib.* L. N° 5. *fol.* 182. *PR.* Ditto.

CHAP. XXVI.

An Act to confirm unto William Ford *of* Ann-Arundel *County, Two Tracts of Land herein after mentioned. Lib.* L. N° 5. *fol.* 183. *PR.* Ditto.

CHAP. XXVII.

An Act for the making good and valid in Law, a Deed Indented, duly executed and acknowledged, but not recorded, from James Presbury *and* Martha *his Wife, to* William Marshal *and* Mary *his Wife. Lib.* L. N° 5. *fol.* 184. *PR.* Ditto.

CHAP. XXVIII.

An Act for the Relief of John Hansteelman, *in making valid and effectual certain Deeds of Bargain and Sale from* Thomas Edmonds *of* Baltimore *County, and* Henry Borne *of* Cæcil *County, to* John Hansteelman. *Lib.* L. N° 5. *fol.* 185. *PR.* Ditto.

CHAP. XXIX.

An Act for the Payment and Assessment of the Public Charge of this Province, for this present Year One Thousand Seven Hundred and Twenty-seven. Lib. L. N° 5. *fol.* 187. Ditto.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the Third Day of *October*, and ended the 2d Day of *November*, in the 14th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1728, were Enacted the following Laws, *viz.* 1728.

BENEDICT LEONARD CALVERT, Esq; Governor.

CHAP. I.

An Act for ascertaining the Form of the Oath of Judge or Justice. Lib. L. N° 5. *fol.* 189. *DISSENT.* Passed 2d *Nov.* 1728.

Proclamation issued for the Publication of the Dissent to this Law, on the 7th *May* 1730. Recorded in *Lib.* P. L. N° 6. *fol.* 380.

CHAP. II.

An Act for Improving the Staple of Tobacco. Lib. L. N° 5. *fol.* 191. *DISSENT.* Ditto.

Proclamation issued for Publication of the Dissent to this Law, on the same Day, and Recorded, as the foregoing.

CHAP. III.

An Act to Repeal an Act, entitled, [a] *An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other* Indian *or* English *Grain or Meal, Horses, Mares, Colts or Fillies, from* Pensylvania, *and the Territories thereto belonging. Lib.* L. N° 5. *fol.* 202. Passed 14th *October* 1728.

[a] 1715, *ch.* 18.

CHAP.

CHAP. IV.

Passed 19th October 1728.

A Supplementary ACT to the Act, entitled, * An Act relating to Servants and Slaves. *Lib.* L. N° 5. *fol.* 203.

* 1715, *ch.* 44.

Preamble.

WHEREAS by the Act of Aſſembly relating to Servants and Slaves, there is no Proviſion made for the Puniſhment of Free Mulatto Women, having Baſtard Children by Negroes and other Slaves; nor is there any Proviſion made in the ſaid Act, for the Puniſhment of Free Negro Women, having Baſtard Children by White Men: And foraſmuch as ſuch Copulations are as unnatural and inordinate as between White Women and Negro Men, or other Slaves;

Free Mulatto Women, are ſubject to the ſame Penalties with White Women and their Iſſue for having Mulatto Baſtards, by 1715, *ch.* 44. §. 26, *&c.*

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, that all ſuch Free Mulatto Women, having Baſtard Children, either within, or after the Time of their Service, and their Iſſue, ſhall be ſubject to the ſame Penalties that White Women and their Iſſue are, for having Mulatto Baſtards, by the Act entitled, *An Act relating to Servants and Slaves.*

Free Negro Women having Baſtards by White Men, and their Iſſue, are ſubject to the ſame.

III. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That from and after the End of this preſent Seſſion of Aſſembly, that all Free Negro Women, having Baſtard Children by White Men, and their Iſſue, ſhall be ſubject to the ſame Penalties that White Women are, by the Act aforeſaid, for having Baſtards by Negro Men.

Proceedings hereon, to be the ſame as preſcribed in that Act.

IV. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That the ſame Method of Proceeding to Judgment, upon any Matter within this Act, be the ſame as is preſcribed by the Act entitled, *An Act relating to Servants and Slaves.*

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

Paſſed 30th October 1728.

A Supplementary Act to the Act, entitled, [b] *An Act for the Eſtabliſhment of Religious Worſhip in this Province, according to the Church of* England; *and for the Maintainance of Miniſters. Lib.* L. N° 5. *fol.* 205, [c] *DISSENT.*

[b] 1702, *ch.* 1. [c] Proclamation iſſued for Publication of the Diſſent to this Act the 7th *May* 1730: Recorded *Lib.* P. L. N° 6. *fol.* 381.

CHAP. VI.

Ditto.

An Act reviving and continuing an Act of Aſſembly of this Province, entitled, [d] *An Act for the better Relief of poor Debtors. Lib.* L. N° 5. *fol.* 208. *EXP.*

[d] 1722, *ch.* 13, hereby continued 3 Years, *&c.*

CHAP. VII.

Paſſed 24th October 1728.

An ACT to encourage the Deſtroying of Wolves, Crows, and Squirrels. *Lib.* L. N° 5. *fol.* 209.

Three Squirrels Scalps, or Crows Heads, for each Taxable, ſhall be produced yearly, before laying the Levies, to ſome County Magiſtrate, who ſhall deſtroy the ſame and give Certificate.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the commencement of this Act, every Maſter, Miſtreſs, Owner of a Family, or ſingle Taxable, in the ſeveral and reſpective Counties within this Province, ſhall be, and are by this Act obliged, yearly, (at ſome Time before the laying their County Levies,) to produce to ſome one of the Juſtices of their County, Three Squirrel Scalps, or Crows Heads, for every Taxable Perſon they ſhall pay Levy for that Year; and the Juſtices of the Peace, before whom ſuch Squirrels Scalps, or Crows Heads, ſhall be brought, ſhall be, and is hereby obliged to deſtroy ſuch Squirrels Scalps, and Crows Heads, as

ſhall

CHAP. VII.

shall be so produced to him, to prevent their being produced a second Time; and give such Person a Certificate under his Hand, certifying the Number of Squirrels Scalps and Crows Heads, such Person brought before him; which Certificate, the Person obtaining the same, shall lay before the Justices of their County, at the Time of the laying their County Levy; and the Justices shall then cause a List of the Taxables of their County, to be laid before them, in order from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced, that thereby it may be found, what Persons have complied with this Act, and who have failed therein.

Which shall be laid before the County Court.

By the Temporary Law of 1758, *ch.* 11, this Act, so far as relates to *St. Mary*'s, *Somerset*, *Charles*, *Ann-Arundel*, *Cæcil*, *Calvert*, *Worcester*, *Prince George*'s, *Frederick*, *Baltimore*, and *Dorchester*, Counties, is repealed. Four Squirrels Scalps, or Crows Heads, shall be produced for each Taxable in the aforesaid Counties; and Two Pounds of Tobacco shall be leviable by Execution for every such Scalp, *&c.* not produced.

II. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That every Person that shall fall short of producing a Certificate of Squirrels Scalps, or Crows Heads, in proportion to their Taxables, according to the Directions of this Act, the Justices of the several and respective County Courts within this Province, at the Time of laying the County Levy, are hereby impowered and required, for each Squirrel Scalp, or Crows Head, such Person shall fall short, in manner aforesaid, to levy upon such Person the Sum of Two Pounds of Tobacco; to be upon Execution, and collected by the Sheriff of the County in the same manner as the Public and County Levies are, to be applied towards defraying the County Charge.

2 ℔ Tobacco to be levied, on Persons falling short, for every such Scalp, *&c.* not produced, *&c.*

III. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That every Person that shall bring to any Justice of the Peace within this Province, the Heads or Scalps of any more Squirrels or Crows, than the Three for each Taxable, by this Act required, shall, for every such Head or Scalp, be [c] allowed in the County Levy, where such Squirrel or Crow was killed, the Sum of Two Pounds of Tobacco; and the Justice of the Peace before whom such Heads or Scalps shall be brought, is hereby required to give the Person bringing the same, a Certificate thereof; and cause the said Heads and Scalps to be burnt, or otherwise destroyed. **Provided always**, That no Person whatsoever shall be entitled to any Allowance for any Squirrels or Crows Heads or Scalps, without first making Oath (or Affirmation, if a Quaker,) or otherwise make appear, that such Squirrels or Crows were killed after the commencement of this Act, and in the County where the Allowance is prayed.

2 ℔ Tobacco to be allowed in the County Levy for every such Scalp, *&c.* produced over and above the 3 per. Taxable.

An Oath required.

[c] This Allowance at present extends only to the Counties of *Kent*, *Queen-Ann*'s and *Talbot*. See the Note upon §. 1. See also the Act of 1749, *ch.* 9, §. 2.

IV. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That the Sum of Two Hundred Pounds of Tobacco shall be allowed to every Person that shall bring a Wolf's Head to any Justice of the Peace, in that County Levy where the Wolf was killed. And the Justice of the Peace before whom any Wolf's Head is brought, shall cause the Tongue thereof to be cut out, and Ears to be cropt, that it may not be presented again: And the several County Courts within this Province, are hereby required and impowered to levy the several Sums of Tobacco, by this Act to be allowed, in their County Levies, upon their several and respective Counties.

200 ℔ Tobacco for every Wolf's Head.

For the particular Allowance, and other Regulations with respect to Wolves killed in *Frederick* County, see 1751, *ch.* 3.

V. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That from and after the commencement of this Act, it shall not be lawful for any Justice or Justices of the Peace within any of the several Counties within this Province, to whom any Wolves Heads, other than those killed by an *Indian*, shall be brought, and Application made, by any Person or Persons whatsoever, for a Certificate thereof, to entitle him or them to the Allowance

An Oath to be made before Certificate granted.

CHAP. VII.

Allowance in this Act, mentioned in the County Levy, unleſs he or they do firſt declare, upon their Corporal Oath, to be adminiſtred by ſuch Juſtice or Juſtices ſo applied to, (or Affirmation by the People called Quakers,) That ſuch Wolf or Wolves, whereof thoſe are the Heads, were actually killed in that County where they pray for ſuch Allowance: And further that no Certificate (in order to be allowed in any the ſeveral Counties within this Province) ſhall be given by any the Juſtices aforeſaid, for any Wolves Head or Heads, that ſhall be brought before them by any *Indian*, or that has been bought of any *Indian*, by any Perſon whatſoever, unleſs ſuch Wolves Head or Heads be brought before ſuch Juſtice or Juſtices, whole and entire, and that they appear to ſuch Juſtice to be green and freſh killed.

Repeal of former Laws.

VI. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That this Act ſhall commence from the Fifteenth Day of *December* next after the End of this Seſſion of Aſſembly; and that thenceforth all Laws heretofore made, in relation to Wolves, Squirrels and Crows, be and are hereby repealed, abrogated, and made null and void.

Penalty on Perſons hunting within Incloſures, Iſlands, &c. without Leave.

VII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That every Perſon that ſhall, during the Continuance of this Act, preſume upon any Pretence whatſoever, to come to hunt with Guns or Dogs, within any incloſed Grounds, Iſlands, Peninſulaes, or Necks, fenced acroſs from Water to Water, without Leave or Licence from the Proprietors thereof firſt had and obtained, ſhall, for every ſuch Offence, forfeit and pay to the Party grieved, the Sum of Two Hundred Pounds of Tobacco; to be recovered before a ſingle Magiſtrate, in the ſame Manner as ſmall Debts now are recoverable; any Law, Statute, or Uſage to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 2d *Nov.* 1728.

An ACT to ſupply ſome Defects in the Act, entitled, * An Act for the Encouragement of Learning, and erecting Schools in the ſeveral Counties within this Province; and alſo to explain an Act, entitled, † An Act for laying an additional Duty of Twenty Shillings Current Money per Poll on all *Iriſh* Servants being Papiſts, to prevent the Growth of Popery by the Importation of too great a Number of them into this Province; and alſo the additional Duty of Twenty Shillings Current Money per Poll on all Negroes; for raiſing a Fund for the Uſe of Public Schools within the ſeveral Counties of this Province. *Lib.* L. N° 5. *fol.* 212.

* 1723, *ch.* 19.

† 1717, *ch.* 10.

Preamble.

WHEREAS by the Act, entitled, *An Act for the Encouragement of Learning, and erecting Schools in the ſeveral Counties within this Province*, Direction and Powers are given for the Nomination and Choice of any Perſon or Perſons, in the Room and Place of any Viſitor or Viſitors, dying, or removing out of the County; but no Proviſion is made by the ſaid Act, for the turning out and ſupplying the Place of any Viſitor or Viſitors, wilfully neglecting or refuſing to act in the Duty and Office of a Viſitor; by which Means ſeveral Inconveniencies, and much Damages have, and may happen to the Schools: For Remedy whereof,

Viſitors refuſing, &c. to meet at the Times appointed,

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That in caſe any of the Viſitors of the ſaid Schools, ſhall hereafter wilfully and obſtinately refuſe or neglect

neglect to meet, and be present, at any of the Times appointed for the Meeting of the said Visitors, so that the necessary Affairs of the said School or Schools cannot be transacted and directed, that then it shall and may be lawful for the Visitors of each Schools, or the major Part of such Visitors, who shall so meet, are hereby directed and impowered to nominate and choose one or more of the principal and better Sort of the Inhabitants of the County, into the Place and Room of the said Visitor so refusing or neglecting as aforesaid, which Person or Persons so elected and chosen, from Time to Time, are always to be qualified in the same Manner as is directed for the Qualification of Visitors, by the said recited Act. CHAP. VIII. Others may be chosen in their Room, who shall qualify as directed by the original Act.

III. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That the Master of every Public School within this Province, shall, and is hereby required to teach as many poor Children *gratis*, as the Visitors, or the major Part of them, of the respective Schools shall order, or be immediately discharged and removed from his Trust in the said School, and a new Master put in. What poor Children shall be taught *gratis*.

IV. **And whereas** some Doubts have arisen on the Explanation and Construction of an Act, entitled, *An Act for laying an additional Duty of Twenty Shillings Current Money per Poll, on all* Irish *Servants, being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province: And also the additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raising a Fund for the Use of Public Schools within the several Counties of this Province,* whether the Twenty Shillings Current Money thereby imposed on *Irish* Servants, being Papists, and Negroes imported into this Province, by Land or Water, were intended by the said Act, or shall be construed to be imposed on such *Irish* Servants, being Papists, and Negroes, as have been, or shall be imported in any Ship or Vessel built in this Province, whereof the Owners have been, or shall be actually Residents in this Province, or in any Ship or Vessel, *English* or Plantation built, purchased, enjoyed or held, by Owners Residents within this Province. Doubts on the Act of 1717, *ch.* 10, recited.

V. **Be it therefore Declared, and it is hereby Enacted,** *by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That no Ship or Vessel, whereof all the Owners have been (or shall be) actually Residents of this Province; or no Ship or Vessel, *English* or Plantation built, purchased, enjoyed, and held, by Owners Residents within this Province, shall be construed to have been, or shall hereafter be discharged, and not liable to the Payment of the aforesaid Duty of Twenty Shillings Current Money per Poll on all *Irish* Servants, being Papists, and all Negroes imported into this Province, in such Ship or Vessel; any Law or Usage to the contrary thereof in any wise notwithstanding. The Duty thereby imposed, shall be paid for *Irish* Servants being Papists and Negroes, imported in Country Bottoms.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

An Act to appropriate Part of the Land laid out in the City of Annapolis *for the building a Custom-house on, to and for the building a Market-house.* *Lib.* L. N° 5. *fol.* 214. Passed 2d *Nov.* 1728.

N. B. By this Act, (1.) *Henry Ridgley, Mordecai Hammond,* and *John Welsch,* Gent. or any Two of them, were impowered to survey, lay out, and mark, 60 Feet in Breadth on the Water, 360 Feet in Length, and 25 Feet on the Head of the Land formerly allotted to build a Custom-house on (which is contained by 250 Feet in Breadth on the Water, 360 Feet in Length, and 82 Feet in Breadth on the Head of the said Land) and return a Certificate thereof, to be recorded in the Mayor's Court; and the Corporation to be seized of an Estate in Fee-simple in and to the Land so laid out, *&c.* Provided the Corporation build a Market-house thereon within Two Years after such Survey, *&c.* (2.) The Corporation are impowered to sell the Land formerly laid out for a Market-house; and to apply the Money arising from such Sale towards building the Market-house intended by this Act. See 1751, *ch.* 21, which impowered the Corporation to sell the Market-house and Land established by this Act, and to apply the Money arising from such Sale towards the Purchasing some other Piece of Ground within the City, and building thereon a new Market-house.

CHAP. X.

Passed 2d *Nov.* 1728. *An Act repealing Part of an Act, entitled,* [t] *An Act concerning Tobacco, made at a Session of Assembly begun and held at the City of* Annapolis, *on Tuesday the* 10*th Day of* October 1727. *Lib.* L. N° 5. *fol.* 216.

[t] 1727, *ch.* 7, which being Temporary is since *EXP.*

CHAP. XI.

Passed 21st *October* 1728. *An Act for the Relief of* Sarah Massey *of the City of* Philadelphia. *Lib.* L. N° 5. *fol.* 217. *PR.*

CHAP. XII.

Passed 22d *October* 1728. An ACT for destroying Bears in *Somerset* County. *Lib.* L. N°. 5. *fol.* 219.

100lb Tobacco for every Bear's Head brought to any Justice in *Somerset* County,

FORASMUCH as it is represented to this present General Assembly, That the Inhabitants of *Somerset* County are much oppressed by Bears, **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That every Person that shall bring to any Justice of the Peace, in *Somerset* County, the Head of a Bear that was killed in the said County, shall be allowed in the Levy of the said County, One Hundred Pounds of Tobacco; which said Sum of One Hundred Pounds of Tobacco, for each Bear that shall be so killed, the Justices of the said County are hereby required and impowered to levy upon the said County.

who shall cause the Ears and Tongue to be cut, and grant Certificate,

And to prevent a double Allowance for one Bear, the Justice before whom any such Bear's Head shall be brought, is hereby required to cause the Ears thereof to be cut off, and it's Tongue to be cut out; and to give a Certificate thereof to the Party producing the said Head.

but not before Oath be made that the Bear was killed in that County,

nor to an *Indian*, unless the Head be entire, &c.

II. **Provided always,** That it shall not be lawful for any of the Justices of the County aforesaid, to give any Certificate for any Bear's Head (other than what shall be killed by an *Indian)* before the Party producing the same shall make Oath (or Affirmation if a Quaker) that the Bear, for which the Certificate is desired, was killed in the County aforesaid, after the making this Act; nor to give a Certificate for the Head of any Bear killed by an *Indian*, unless the said Head be brought to him whole and entire, and that it appear to be green, and fresh killed; any thing herein contained to the contrary thereof in any wise notwithstanding.

Duration.

III. This Act to continue in Force for [s] Three Years, and from thence 'til the End of the next Session of Assembly, which shall happen after the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

[s] Continued without Limitation by 1732, *ch.* 9.

CHAP. XIII.

Passed 24th *October* 1728. *An Act to confirm Two Deeds of Sale, the one from* George Oldfield, *and* Petronella *his Wife; and the other from* Richard Carr, *Son and Heir at Law to a certain* John Carr *of* Cæcil *County, deceased, to* Casparus Augustine Herman. *Lib.* L. N° 5. *fol.* 220. *PR.*

CHAP. XIV.

Ditto. *An Act for the Naturalization of* William Rayman *of the City of* Annapolis. *Lib.* L. N° 5. *fol.* 222. *PR.*

CHAP. XV.

Ditto. *An Act for erecting a new Parish out of that Part of* St. Paul's *Parish that lies in* Ann-Arundel *County, and out of* All-Hallow's *and* St. Anne's *Parishes in the said County.* *Lib.* L. N° 5. *fol.* 223.

N. B. By this Act, (1.) All the remaining Part, heretofore called *Elk-Ridge-Hundred*, which was not annexed to *Westminster* Parish, being now Part of *St. Paul's* Parish aforesaid; and all that Part of *All-Hallow's* Parish, bounded by a Line drawn from the Mouth of *Rogue's-Harbour-Branch*, on *Patuxent* River, to the North Branch, or *Snowden's* River, on the Southward of *Thomas*

Thomas Jones's Plantation; also all that Part of *St. Anne*'s Parish bounded by a Line drawn from the Mouth of a small Branch running into *Patuxent* River, and lying between the Plantations of *John Ryan* and *Rose Lee*, and running by a strait Line through the Woods till it intersects the former divisional Line between *Ann-Arundel* and *Baltimore* Counties, including therein the Plantations of *John Ryan* and *John Barber*, shall be taken from the Parishes aforesaid, and be erected into a new Parish, by the Name of *Queen-Caroline*. (2.) The Inhabitants of the said *Queen-Caroline* Parish to enjoy all Benefits, Privileges, Power and Authorities, equal with any Inhabitants of any other Parish within this Province. (3.) The Free-holders impowered to elect Vestry-men and Church-wardens; and to finish the Church already built therein; which shall be reputed, taken and deemed as the Parish Church for that Parish. CHAP. XV.

CHAP. XVI.

An Act for the laying out of Land, and erecting a Town in St. Mary's *County, at a Place formerly called* Seymour-Town. *Lib* L. N° 5. *fol.* 225. Passed 28th *October* 1728.

N. B. By this Act, (1.) Commissioners were appointed and impowered to purchase (by Agreement, or Valuation of a Jury) 50 Acres of Land adjoining to the Place where *St. Mary*'s County Court-house now stands, and to cause the same to be surveyed and laid out for a Town into 80 Lots, with convenient Streets, Lanes, *&c.* (2.) The Owner of the Land to have his Choice for two Lots, and the remaining Lots to be taken up by others; but no Person to take up more than one Lot, within the said 50 Acres, during 4 Months after laying out the same; nor any other than Inhabitants of the said County. After which Time any other Persons whatsoever, might take up Lots, paying the Owner of the Land proportionably for the same. (3.) In case the Taker-up of any Lot refuse or neglect to build upon such Lot, within Twelve Months, a House to cover 400 square Feet, and the Chimneys to be of Brick or Stone, it shall then be lawful for any other Person to enter upon such Lot so not built upon as aforesaid, on paying the Sum of Tobacco first set upon such Lot to the Commissioners or Person by them appointed to receive the same, for the Public Use and Benefit of the Town. And such second Taker-up, on building in Manner aforesaid, within 12 Months after his Entry made, shall have as good an Estate to all Intents and Purposes, as by this Act is settled upon the first Taker-up and Builder. (4.) All Lots, not taken up in 7 Years after Publication of this Act, shall revert to the Owner of the Land, who shall be possessed and interested in the same, as in his first and former Estate. (5.) This Act not to prejudice any Persons, their Heirs or Assigns, who have complied with the requisites of the former Act, whereby Part of the Land allowed to be laid out was actually surveyed into Lots, and then called *Seymour's Town*, of their Title to, or Inheritance in such Lots. (6.) The Land not to be so surveyed as to affect the Buildings or Improvements of the Heir at Law of *Thomas Cooper* deceased. (7.) A Saving of Rights to his Majesty, the Lord Proprietor, *&c.* (8.) The Place to be called *Leonard-Town*, and all Writs, *&c.* issuing out of *St. Mary*'s County Court to be made returnable to the said Place, by the Name of *Leonard-Town*.

See a Supplementary Act 1730, *ch.* 5, wherein some Defects of this Act are aided; particularly the Want of a Free-hold Estate in the Lots taken up. This Town was originally established by 1708, *ch.* 3, when Mr. *Seymour* was Governor; whereby 50 Acres of Land were ordered to be laid out and erected into a Town at *Sheppard's* old Fields, near the Head of *Britan*'s Bay, on the Land of *Philip Lynes*, Esq; and the Court-house of *St. Mary*'s County to be built and kept there. How it came to be called *Seymour-Town* (unless by common Courtesy, in Compliment to the then Governor) does not appear. But in the Act of 1710, *ch.* 6, it is called by the Name of *Seymour-Town*, otherwise *Sheppard's* old Fields.

CHAP. XVII.

An Act impowering the Justices of Calvert *County, to finish the Court-house of that County by an Assessment on the Inhabitants thereof; as also for the Relief of* John Critchard *and* William Kidd, *two of the Builders of the said Court-house. Lib.* L. N° 5. *fol.* 229. Passed 30th *October* 1728.

N. B. By this Act, the Place whereon the said Court-house now stands, shall be from henceforth, called and known by the name of *Prince-Frederick Town*.

CHAP. XVIII.

An Act for the Relief of Francis Gateril *of* Ann-Arundel *County. Lib.* L. N° 5. *fol.* 231. *PR.* Ditto.

CHAP. XIX.

An Act for the dividing of St. Paul's *Parish, in* Queen-Ann's *County, and Part of* Talbot *County. Lib.* L. N° 5. *fol.* 232. Ditto.

N. B. By this Act, (1.) All the Land to the North East side of *Courseca* Creek, and the North East side of the Easternmost Branch thereof, commonly known by the Name of the *Three-Bridges*, and running up the said Branch through the dwelling Plantation of Mr. *Edward Wright*, to the Head thereof; thence down with a Branch called *Smith*'s Branch, to a Branch of *Tuckahoe*, and with that Branch to the main Branch of *Tuckahoe* Creek, and from the aforesaid main Branch, with a Line drawn South East to *Choptank* River, is taken from *St. Paul*'s Parish, and erected into a new Parish, by the name of *St. Luke*'s Parish. (2.) The Inhabitants of *St. Luke*'s Parish to have and enjoy all Benefits, Privileges, Power and Authority equal with the Inhabitants of any other Parish within this Province. (3.) The Free-holders of the said Parish are impowered to elect Vestry-men, and Church-wardens, and to build and found a new Church, *&c.*

CHAP. XX.

An Act for the Relief of Edward Parish *of* Ann-Arundel *County. Lib.* L. N° 5. *fol.* 234. *PR.* Passed 31st *October* 1728.

CHAP. XXI.

Passed 1st Nov. 1728. *An Act for the Relief of* John Powell, John Nowell, Samuel Stevens, Mary Gordon *and* Thomas Price, *languiſhing Priſoners in* Ann-Arundel *County*; Thomas Hill *and* James Ward, *languiſhing Priſoners in* Talbot *County*; Richard Edwards *and* Nathaniel Wright, *languiſhing Priſoners in* Queen-Ann's *County*; Chriſtopher Bonfield *and* Clarina Gilly, *languiſhing Priſoners in* Calvert *County*; Kennith Mackenſey, *a languiſhing Priſoner in* Charles *County*; Peter Bromfield, *a languiſhing Priſoner in* Prince-George's *County*; *and* Abel Van Burkelo, *a languiſhing Priſoner in* Cæcil *County*. *Lib.* L. N° 5. *fol.* 235. *PR.*

CHAP. XXII.

Ditto. *An Act for the better Regulating the Pariſhes in* St. Mary's *and* Charles *Counties*. *Lib.* L. N° 5. *fol.* 242.

N. B. By this Act, certain Commiſſioners were appointed for regulating the ſeveral Pariſhes in the ſaid Counties, and dividing the ſame, by natural or artificial Boundaries, &c. and to return their Proceedings to the next General Aſſembly, for their Inſpection and Approbation. And an Act was paſſed 1729, *ch.* 14, in purſuance thereof; but Diſſented to by his Lordſhip.

CHAP. XXIII.

Ditto. An ACT to prevent the Abuſes of concealing convicted Felons, and other Offenders, imported into this Province, and for the better Diſcovery of them. *Lib.* L. N° 5. *fol.* 244.

Preamble. WHEREAS by the Statute of the Fourth Year of the Reign of his late Majeſty King GEORGE the Firſt, (of glorious Memory) entitled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons, and unlawful Exporters of Wool; and for to declare the Law in ſome Points relating to Pirates*,

Recital of the *Britiſh* Stat. 4 *Geo.* I. it is Enacted and Provided, " That where any Perſon or Perſons ſhould be " convicted of Offences (within the Benefit of Clergy) and liable to be " Whipt, or Burnt in the Hand, or ordered to any Work-houſe; or that " ſhould be Convict of Grand or Petit Larceny, or any Felonious Stealing, or " taking of Money, Goods, or Chattels, either from the Perſon, or the Houſe " of any Perſon, or any other Manner, and who, by the Law, ſhould be en- " titled to the Benefit of Clergy, and liable only to the Penalties of Burning in " the Hand, or Whipping; (except Perſons convict for receiving or buying " Stolen Goods, knowing them to be Stolen) it ſhould and might be lawful " for the Court before whom they ſhould be convicted, or any Court held at " the ſame Place with the like Authority, if they ſhould think fit, inſtead of " ordering ſuch Offender to be Burnt in the Hand, or Whipt, to order and " direct that ſuch Offenders, as alſo ſuch Offenders in any Work-houſe as " aforeſaid, ſhould be ſent as ſoon as conveniently might be, to ſome of his " Majeſty's Colonies and Plantations in *America*, for the ſpace of Seven " Years: And that Court before whom they ſhould be convicted, or any " ſubſequent Court, held for the ſame Place, with the like Authority as the " former, ſhould have Power to convey, transfer, and make over ſuch Of- " fenders, by Order of Court, to the Uſe of any Perſon or Perſons, who " ſhould contract for the Performance of ſuch Tranſportation, to him or " them, his or their Aſſigns, for the Term of Seven Years. And where " any Perſon was convicted before the making the ſaid firſt recited Act, or " did then ſtand attainted of any Offence whatſoever for Death by Law, " ought to be inflicted, or where any Offenders ſhould be thereafter convicted " of any Crime whatſoever, for which by Law they ought to be excluded " the Benefit of Clergy; and his Majeſty, his Heirs or Succeſſors, ſhould " be graciouſly pleaſed to extend Royal Mercy to any ſuch Offenders, upon " Condition of Tranſportation to any Part of *America*, and ſuch Intention of " Mercy ſhould be ſignified by one of his Majeſty's principal Secretaries of " State; it ſhould and might be lawful for any Court, having proper Autho- " rity, to allow ſuch Offenders the Benefit of a Pardon, under the Great " Seal, and to order and direct the like Transfer and Conveyance to any Per-

" ſon

" ſon or Perſons (who would contract for the Performance of ſuch Tranſ-
" portation) and to his and their Aſſigns, of any ſuch before mentioned
" Offenders; as alſo of any Perſon or Perſons convicted of receiving Stolen
" Goods, knowing them to be Stolen, for the Term of Fourteen Years, in
" caſe ſuch Condition of Tranſportation be general; or elſe for ſuch other
" Term or Terms as ſhould be made Part of ſuch Condition, if any parti-
" cular Time be ſpecified by his Majeſty, his Heirs and Succeſſors as afore-
" ſaid: And that ſuch Perſon or Perſons, ſo contracting as aforeſaid, his or
" their Aſſigns, by virtue of ſuch Order of Transfer as aforeſaid, ſhould have
" a Property and Intereſt in the Service of the ſaid Offenders, for ſuch Term
" of Years."

Recital of the *Britiſh* Stat. of 6 *Geo.* I.

II. **And whereas** by the Statute of the Sixth Year of the Reign of his late Majeſty, entitled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons*, it is Enacted, " That all the Powers and Authorities, which are given by the ſaid recited
" Act of the Fourth Year of the Reign of his late Majeſty, to any Court be-
" fore whom any Felons and Offenders, tried for and convicted of any Of-
" fence, for which they might be ſent or tranſported to any of his Majeſty's
" Colonies or Plantations in *America*, ſhould and might be obſerved and exe-
" cuted by any other ſubſequent Court, with like Authority, held for the
" ſame County, Riding, Diviſion, or Liberty, were or ſhould be tried or
" convicted: And that ſuch Court might appoint, if they ſhould think fit,
" two or more Juſtices of the Peace of the ſaid County, Riding, Liberty, or
" Place, where ſuch Offenders were, or ſhould be convicted; who ſhould
" have Power and Authority to contract with any Perſon or Perſons, for the
" Performance of the Tranſportation of ſuch Felons and Offenders, who by
" Order of ſuch Court or Courts were to be ſent to any of the Colonies or
" Plantations aforeſaid, and to order ſuch like ſufficient Security to be given,
" (as the aforeſaid recited Act directs, to be taken by Order of Court) and
" alſo to cauſe ſuch Felons, purſuant to ſuch Contract, to be delivered by
" the reſpective Goalers, in whoſe Cuſtody they were, or ſhould be, or
" might be, to the Perſon or Perſons contracting for the ſame, or to his or
" their Aſſigns."

Miſchiefs occaſioned by the neglect of Maſters of Ships in not bringing Teſtimonials of the Offences of Convicts,

III. **And whereas** ſeveral Maſters of Ships, and other Veſſels, importing the ſaid Felons and Offenders into this Province, have neglected to bring any Teſtimonial of the Offences whereof the ſaid Felons, and Offenders, have been convict; or whereby it might appear whether they were obliged to ſerve Seven Years, or Fourteen Years, which hath already occaſioned Diſputes and Controverſies between the Perſons entitled to the Service of ſuch Felons, and Offenders, and the Felons and Offenders themſelves, concerning their Terms of Servitude, and may occaſion many more, as well as give ſome of the ſaid Felons, and Offenders, opportunities of returning from their Tranſportation before the Expiration of the Terms they have been or may be tranſported for, contrary to the true Intent and Meaning of the ſaid Statutes.

by the Fraud of others in ſelling Convicts as reputable Servants, *&c.*

IV. **And whereas** ſeveral other Maſters of Ships, and Veſſels, have imported ſeveral Felons, and other Offenders, into this Province, and made private Contracts with ſuch Felons, and Offenders, for a leſs Time of Servitude than is preſcribed by the ſaid Acts, and diſpoſed of the ſaid Felons, and other Offenders, to ſeveral of the Inhabitants of this Province, as Servants of good Reputations, and not convict of any Crime or Offences; by which Practices ſeveral of the ſaid Felons and Offenders, whoſe Teſtimony ought not to be received in any Court of Record, or before any Magiſtrate, becauſe not known to be ſuch, may be received as Witneſſes, to the manifeſt Danger of the Lives, Liberties, and Properties, of his Majeſty's Subjects of this Province, and the true Intent and Meaning of the ſaid Statutes, is eluded; For the Prevention of which Evils,

V. **Be**

CHAP. XXIII.

Masters of Ships shall bring Testimonials of their Offences, and Time of Servitude.

V. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That every Master of a Ship, or Vessel, that shall import any Felons or Offenders, from and after the Tenth Day of *November*, which shall be in the Year One Thousand Seven Hundred and Twenty-nine, shall be obliged to bring an authentic Testimonial of the Offence, or Offences, whereof such Felon or Offender hath been, or shall be convict, and the Number of Years he, she, or they, are obliged to serve, on Pain of forfeiting the Sum of Five Pounds Current Money of *Maryland*, for every such Felon or Offender; one Half to the Lord Proprietary, to be applied to defray the Charge of the County wherein such Ship or Vessel shall ride at Anchor, the other Half to him or them who shall sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, to be allowed.

Penalty.

And shall lodge such Testimonials with the County Clerk. Penalty. An attested Copy thereof shall be full Evidence.

VI. And be it further Enacted, *by the Authority, Advice and Consent aforesaid*, That such Testimonial or Testimonials, shall be lodg'd by the Master, or chief Officer of such Ship or Vessel, importing such convicted Persons, with the Clerks of the respective County Courts within this Province, into which such Felons or Offenders shall be Imported and Sold, under the Penalty of Five Pounds for every Offence; to be recovered and applied as aforesaid: And any Copy or Copies of such Testimonial or Testimonials, under the Hand of such County Clerk, shall be received and admitted as full and conclusive Evidence, to prove the Matter therein contain'd.

An Oath to be taken before the Naval Officer by every Importer of Servants.

and see 1729. ch. 26

VII. And for the better Discovery of Felons and other Offenders, Be it Enacted, *by the Authority aforesaid*, That all Persons importing or bringing any Servant or Servants into this Province, by Land or by Water, shall be obliged by Virtue of this Act, to declare upon [h] Oath (or Affirmation if a Quaker) to the Naval Officer of the Port or District into which such Servant or Servants shall be imported or brought, "Whether any such Servant "or Servants, have been convicted of any Crime, to the Knowledge of the "Person or Persons so importing such Servant or Servants, and if any, of "what Crime:" And that if it shall appear by the Oath, (or Affirmation if a Quaker) of such Person or Persons, or by any other legal Evidence, that any such Servant or Servants, hath or have been convict of any Felony, or other Offence; such Felon, or Offender, shall serve the same Term of Years as is prescribed and directed in and by the said Statutes; any private Contract or Agreement to the contrary notwithstanding.

[h] The Form of this Oath being too extensive, is altered by the Act of 1729, *ch.* 26, *viz.* "Whether to the best of their Knowledge, such Servant or Servants be then under Sentence of "Transportation; and if so, for what Offence, and the Term of Years they have to serve."

Penalty on Importers of Servants refusing to take such Oath.

Penalty on Naval Officers neglecting to administer the same.

VIII. And be it further Enacted, That any Person importing or bringing any Servants in this Province as aforesaid, and that shall refuse to declare upon Oath (or Affirmation if a Quaker,) whether to his Knowledge, any such Servant hath been convict of any Felony, or other Offence, shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered to the Uses aforesaid, in Manner and Form aforesaid; and that every Naval Officer, neglecting or omitting to administer such Oath, (or Affirmation if a Quaker) shall for every such Neglect or Omission, forfeit One Hundred Pounds like Money; to be recovered and applied as aforesaid.

False Swearing herein, to be punished as Perjury.

IX. And be it further Enacted, That any Person or Persons, so to be Sworn, (or Affirm if a Quaker) who shall knowingly forswear him or themselves, or falsly Affirm, shall be liable to be prosecuted for Perjury: And in case of Conviction, shall suffer the same Pains and Penalties as in Cases of corrupt and wilful Perjury.

X. And

CHAP. XXIII.

X. **And be it further Enacted**, That a Copy of the Oath, or Affirmation, of such Importer, certified by the Naval Officer, shall be deemed and taken to be good and effectual in Law, in any Dispute or Controversy concerning such Felons or Offenders, as if given *Vivâ Voce*, at the Time of such Dispute or Controversy; any Law, Usage or Custom to the contrary notwithstanding.

A Copy of such Oath, &c. shall be good Evidence.

XI. **And be it likewise Enacted**, That any Provincial Justice or Justices of the Peace within this Province, upon the Application of any Person or Persons to them, or upon any Suspicion of any Felon, or other Offender, being imported or brought into this Province, shall and may examine upon Oath (or Affirmation if a Quaker) any of the Crew of any Ship or Vessel, or any other Person, touching their Knowledge of any such Felon, or other Offender: And that such Examination or Examinations, Deposition or Depositions, shall be as good and effectual in Law, as if the Examinants or Deponents were present, and delivered their Testimony *Vivâ Voce*; any Law, Statute or Usage to the contrary notwithstanding.

Any Magistrate, may examine Sailors on Oath concerning Felons.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

A Supplementary ACT to the * Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. *Lib.* L. N° 5. *fol.* 249.

Passed 2d *Nov.* 1728.

* 1714, *ch.* 4.

FORASMUCH as it is represented to this General Assembly, as a very great Aggrievance to the good People of this Province, that there is not a sufficient Provision made against the Arresting the Inhabitants thereof, when they shall happen to be found about their necessary Affairs, out of the County where they reside;

Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That it shall not be lawful for any Person whatsoever, to cause any Inhabitant of this Province, to be Arrested out of the County where he or she doth reside, by virtue of any *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, for any Debt, Damage or Costs, until the Sheriff, or Coroner of the County where such Defendant shall reside, shall have returned a *Non est Inventus*, on a *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, issued at the Request of the said Person against the said Defendant.

No Inhabitant shall be arrested for Debt, &c. out of the County wherein he resides, before a *Non est* be returned.

III. **And be it further Enacted**, *by the Authority aforesaid*, That if any Person be Arrested upon a *Capias ad Respondendum*, contrary to the Intent of this Act, the Plaintiff in the said Action shall suffer a Non-suit, and pay the Defendant his or her reasonable Costs, Charges, and Damages, to be adjudged him or her, by the Court from whence such Process issued: And if any Person be taken in Execution, contrary to the Directions hereof, the Justices of the Court from whence such Execution issued, shall discharge him or her, from his or her Imprisonment; and in a summary Way adjudge to him or her, his or her reasonable Damages, Costs and Charges; and cause the same to be discounted by the Plaintiff, out of his or her Judgment obtained against the said Defendant; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

In case of such Arrest the Plaintiff shall be Non-suit, &c.

and the Defendant, if taken in Execution, shall be discharged, &c.

IV. **And whereas** it appears that small Benefit is reaped by the [i] Act *for Stay of Execution after the Tenth of* May *yearly*, and the [k] Supplementary Act thereto; for that it is hardly possible to get any Quantity of Tobacco ready by the Tenth Day of *November*:

[i] 1715, *ch.* 33.

[k] 1721, *ch.* 4.

V. Be

CHAP. XXIV. Stay of Execution extended to the 10th of *Feb.* yearly. 1715, *ch.* 33, §. 3.

V. **Be it Enacted,** *by the Authority, Advice, and Conſent aforeſaid,* That the Time in the aforeſaid Acts mentioned for Stay of Execution, ſhall hereafter be changed from the Tenth Day of *November,* unto the Tenth Day of *February:* And that theſe Words, *on the Tenth Day of* November *next,* in the [1] Confeſſion by the ſaid recited Act for Stay of Execution required to be made, ſhall be changed to theſe Words, *viz. On the Tenth Day of* February *next.*

No Execution to be ſued out, till after the 10th *Feb.* next enſuing the *Superſedeas.*

VI. **And be it further Enacted,** *by the Authority, Advice, and Conſent aforeſaid,* That it ſhall not be lawful for any Perſon or Perſons, to ſue out any Execution upon any Judgment whatſoever, ſuperſeded, or upon any Confeſſion made therefore, after the Manner aforeſaid, till after the Tenth Day of *February* next following the ſaid *Superſedeas* or Confeſſion; any Law, Statute, or Uſage to the contrary thereof in any wiſe notwithſtanding.

Perſons abſconding may be arreſted in any County.

VII. **Provided always,** That this Act, or any Thing therein contained, ſhall not extend to the Benefit or Advantage of any Perſons that ſhall abſcond or fly from Juſtice in the County where they live; but that ſuch Perſons may be Arreſted in any County wherever they are to be found.

Continuation.

VIII. This Act to endure, from and after this Seſſion of Aſſembly, for and during the End of Three Years, and to the End of the next Seſſion of Aſſembly after the Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1731, *ch.* 12; 1735, *ch.* 19; and expired in 1740. It was again revived by 1742, *ch.* 3; and farther continued by 1746, *ch.* 4; 1750, *ch.* 3; 1753, *ch.* 8; 1757, *ch.* 3; 1760, *ch.* 12; and 1763, *ch.* 4; for 3 Years, *&c.*

CHAP. XXV.

Paſſed 2d *Nov.* 1728. *An Act for the repairing and enlarging of the Church in the City of* Annapolis; *and for the Building a Chapel of Eaſe, in the Pariſh of* St. Anne's, *in* Ann-Arundel *County; and to impower the raiſing and levying a Quantity of Tobacco for that Purpoſe. Lib.* L. N° 5. *fol.* 250.

CHAP. XXVI.

Ditto. *An Act for the Payment and Aſſeſſment of the Public Charge of this Province for this preſent Year One Thouſand Seven Hundred and Twenty-eight. Lib.* L. N° 5. *fol.* 252.

CHAP. XXVII.

Paſſed 22d *October* 1728. *An Act for the Relief of* John Beale *of* Charles *County. Lib.* L. N° 5. *fol.* 253. *PR.*

1729. At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis,* in the County of *Ann-Arundel,* for the Province of *Maryland,* on the 10th Day of *July,* in the 15th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon,* Lord Baron of *Baltimore, &c.* and ended the 8th of *Auguſt, Anno Domini* 1729, were Enacted the following Laws.

BENEDICT LEONARD CALVERT, Eſq; Governor.

CHAP. I.

Paſſed 8th *Auguſt* 1729. *An Act for the Naturalization of* Chriſtian Peters, *of* Cæcil *County, a Native of* Germany. *Lib.* L. N° 5. *fol.* 255. *PR.*

CHAP.

CHAP. II.

An ACT repealing Part of an Act, entitled, * An Act againſt Forging and Counterfeiting of Foreign Coins, Gold or Silver; made at a Seſſion of Aſſembly begun and held at the then Town and Port of *Annapolis*, the 26th Day of *March*, *Anno Domini* One Thouſand Seven Hundred and Seven. *Lib.* L. N° 5. *fol.* 256.

Paſſed 8th *Auguſt* 1729.

* 1707, *ch.* 4.

WHEREAS at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, *Anno* 1707, there was an Act paſſed, to prevent, amongſt other Things, the Clipping of all Sorts of Foreign Coins; but foraſmuch as ſuch Coins, both of Gold and Silver, do at this Time paſs current by Weight, and not by Tale, as heretofore, whereby the Miſchiefs of Clipping are effectually prevented; and ſeeing that the Cutting or Clipping of Foreign Coins is now in ſome Meaſure neceſſary for the making of Change; this preſent General Aſſembly taking into their ſerious Conſideration the grievous Penalties inflicted by the ſaid Act, upon Perſons clipping Foreign Coins as aforeſaid, have thought fit to repeal ſo much of the ſaid Act as related thereunto;

Preamble.

II. **Wherefore, be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That that Part of the ſaid Act that relates to clipping the Coins therein mentioned, be, and is hereby utterly repealed, and made void.

The Act of 1707, *ch.* 4, ſo far as relates to clipping of Coins, repealed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. III.

A Supplementary ACT to the Acts for * regulating Writs of Error, and granting Appeals from and to the Courts of Common Law, within this Province; and for regulating † Appeals from the Court of Chancery. *Lib.* L. N° 5. *fol.* 257.

Paſſed 8th *Auguſt* 1729.

* 1713, *ch.* 4.

† See 1721, *ch.* 14, §. 3.

WHEREAS, in and by the ſaid Act, amongſt other Things, it is Enacted and Contained, That in all Appeals and Writs of Error from the Courts of Law, to the Governor and Council, it ſhould and might be ſufficient for the Council only, to hear and determine Matters of Controverſy, whereof the firſt of the Council in Commiſſion being preſent, ſhould preſide; whoſe Judgment thereupon ſhould be definitive, in as full and ample Manner, as if the ſaid Governor were actually preſent, and preſiding. And foraſmuch as it hath happened, that the firſt in Commiſſion of the ſaid Council, through Sickneſs, or other Means, could not attend the Court of Appeals, by reaſon whereof, ſome Inconveniencies and Delays to Buſineſs have been;

Preamble.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in caſe the Governor, and firſt in Commiſſion of his Lordſhip's Council, be abſent from the Court of Appeals, the ſenior Councillor then preſent in Court, ſhall preſide; and the ſaid Court ſhall and may hear and determine any Matter before them, whether in Law or Equity, in the ſame Manner they might by the ſaid Acts have done, in caſe the Governor, or firſt in Commiſſion was actually preſent, and that the Judgment of thoſe who ſhall be preſent, ſhall be as effectual as if it were given by the Governor, or firſt nominated in his Lordſhip's Commiſſion: Provided there be Five Members of the ſaid Court preſent.

In Abſence of the Governor and Preſident of the Council, the ſenior Councillor then preſent ſhall preſide in the Court of Appeals.

Five Members to be preſent.

CHAP. III. Appeals from Chancery to be under the ſame Regulations as thoſe from Courts of Common Law.

III. And be it further Enacted, *by the Authority aforeſaid, by and with the Advice, and Conſent aforeſaid,* That Appeals from the Court of Chancery to the Court of Appeals, ſhall be ſubject to the ſame Regulation and Limitation, as to the Proſecution of them, as Appeals from the Courts of Common Law are; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

Paſſed 8th *Auguſt* 1729.

An ACT for the more effectual Puniſhing of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders. *Lib.* L. N° 5. *fol.* 258.

Preamble.

WHEREAS ſeveral Petit-Treaſons, and cruel and horrid Murders, have been lately committed by Negroes, which Cruelties they were inſtigated to commit, and hereafter may be inſtigated to commit with the like Inhumanity, becauſe they have no Senſe of Shame, or Apprehenſion of future Rewards or Puniſhments: And that the Manner of Executing Offenders, preſcribed by the Laws of *England,* is not ſufficient to deter a People from committing the greateſt Cruelties, who only conſider the Rigour and Severity of Puniſhment: Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That when any Negro, or other Slave, ſhall be convict, by Confeſſion, or Verdict of a Jury, of any Petit-Treaſon, or Murder, or wilfully Burning of Dwelling Houſes, it ſhall and may be lawful for the Juſtices before whom ſuch Conviction ſhall be, to give Judgment againſt ſuch Negro, or other Slave, to have the Right Hand cut off, to be Hanged in the uſual Manner, the Head ſevered from the Body, the Body divided into Four Quarters, and Head and Quarters ſet up, in the moſt public Places of the County where ſuch Fact was committed.

Puniſhment of Slaves convict of Petit Treaſon, Murder, or Burning of Dwelling-Houſes.

Puniſhment of Perſons breaking into any Shop, or Store, &c.

II. And whereas, ſeveral Felons have feloniouſly broke and entered ſeveral Shops, Store-houſes, or Ware-houſes, not contiguous to, or uſed with any Manſion-houſe, and Stolen from thence ſeveral Goods and Merchandizes; and that it hath been doubted whether ſuch Offenders are, by any Law now in Force, excluded the Benefit of Clergy; Be it Enacted and Declared, *by the Authority, Advice, and Conſent aforeſaid,* That if any Perſon or Perſons, ſhall, after the End of this Seſſion of Aſſembly, break into any Shop, Store-houſe, or Ware-houſe, although ſuch Shop, Store-houſe, or Ware-houſe, be not contiguous to, or uſed with any Manſion-houſe, and ſteal from thence any Goods, to the Value of Five Shillings, and be thereof convict, by Confeſſion, or Verdict of a Jury, ſuch Offender or Offenders, ſhall ſuffer Death, as Felons, without Benefit of Clergy; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. V.

Paſſed 8th *Auguſt* 1729.

An Act reviving and continuing an Act, entitled, [a] *An Act aſcertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on board Ships and Veſſels upon Freight; and for laying Impoſitions on Tobacco per the Hogshead for the Support of Government; and for the encouraging Settlements in this Province, by aſcertaining the Manner of paying his Lordſhip's Alienation Fines and Quit-Rents, for the Term therein propoſed; and for taking off the Three-pence per Hogshead formerly raiſed for the Public Charge.* *Lib.* L. N° 5. *fol.* 260. *EXP.*

[a] 1717, *ch.* 7, hereby continued to 29th *September* 1730.

CHAP.

CHAP. VI.

An Act for the Laying out of Land, and erecting a Town at the Head of Port-Tobacco *Creek, in* Charles *County. Lib.* L. N° 5. *fol.* 262.

Paſſed 8th *Auguſt* 1729.

N. B. By this Act, (1.) Certain Commiſſioners are appointed and impowered to purchaſe (by Agreement, or Valuation of a Jury) Sixty Acres of Land at the Place aforeſaid, and to cauſe the ſame to be ſurveyed and laid out in the moſt convenient Manner, ſo as to adjoin to, and encompaſs, the Land belonging to *Port-Tobacco* Church and the Court-houſe. (2.) One Acre to be laid out for a Market-Place, and the remaining 59 Acres to be divided into 100 Lots, allowing convenient Streets, *&c.* of which Lots the Owner of the Land to have his Choice of Two, provided he make his Choice in 15 Days after laying out the Town: And the remaining Lots may be taken up by any Inhabitants of the County; no Perſon to take up more than one Lot within the firſt Four Months; and in caſe the ſaid Inhabitants ſhall not take up the Lots within the ſaid Time, then any other Perſons may take up the ſame. (3.) The Damage or Recompence aſſeſſed by the Jury, or the Sum agreed for by the Commiſſioners, ſhall be paid to the Owner of the Land, by Perſons taking up Lots, proportionably to their Lots. (4.) Every Perſon taking up any Lot ſhall build thereon, within 18 Months from the Time of taking up, a Houſe to cover 400 ſquare Feet, excluſive of Sheds. (5.) All the Houſes to be built on the Edge of ſome Street, Lane, or Alley, and to front the ſame. (6.) The Commiſſioners to return their Proceedings to the County Clerk (within 10 Days after laying out the Town) who ſhall enter the ſame in the Land Records, and file the original Report. (7.) Perſons wanting Lots ſhall apply to the ſaid Clerk, who ſhall enter their Names in the Records, with the Day of the Month, *&c.* and Number of the Lot or Lots ſo taken up: And the Perſon cauſing ſuch Entry to be made, and building on ſuch Lot, according to this Act, ſhall be veſted with a good, ſure, and indefeazable Eſtate of Inheritance, in Fee-ſimple, of, in, and to the Lot or Lots ſo entered and built upon. (8.) Perſons taking up Lots, and not building thereon according to this Act, ſhall entirely loſe all Right, Title, Eſtate, *&c.* therein: And any Perſon whatever, may take up ſuch Lots, making Entry as before directed, and paying the Sum originally aſſeſſed upon ſuch Lots to the Commiſſioners, *&c.* for the Public Uſe and Benefit of the Town. And ſuch ſecond Taker-up, by virtue of ſuch Entry and Payment, and building on ſuch Lot (according to the Directions of this Act) within 18 Months from the Date of ſuch ſecond Entry, ſhall be veſted with the ſame Eſtate as is by this Act ſettled on the firſt Taker-up. (9.) In caſe any of the Lots remain untaken up at the End of Seven Years from laying out the Town; then the firſt Owner of the Land ſhall be poſſeſſed and intereſted in the ſaid Lots, as in his firſt and former Eſtate. (10.) The Town to be called *Charles-Town*, and by no other Name or Diſtinction. (11.) This Act not to prejudice the Rights of any Perſons, who have complied with the Requiſites of the Act whereby Part of the ſaid Land was actually ſurveyed and laid out into Lots, and then called *Chandler-Town*, of their Title to or Inheritance of the ſaid Lots. (12.) Saving to the Crown, the Lord Proprietor, *&c.* their ſeveral and reſpective Rights.

CHAP. VII.

Ditto.

An ACT impowering and directing the Juſtices of the ſeveral Counties within this Province, to levy any Quantity of Tobacco, not exceeding Ten Pounds per Poll, on the Taxable Perſons of any Pariſh, in each of their reſpective Counties, on Application to them made by the Veſtry and Church-wardens of any Pariſh. *Lib.* L. N° 5. *fol.* 266.

Preamble.

WHEREAS it is repreſented and made appear to this preſent General Aſſembly, that ſome of the Juſtices of the Peace within this Province, have refuſed to aſſeſs Tobacco on the Inhabitants of ſome Pariſhes, although Application have been made to them by the Veſtry and Church-wardens, to that End;

County Courts, on Application of the Veſtry, ſhall yearly aſſeſs the Pariſhioners, not exceeding 10 per Poll.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That it ſhall and may be lawful for, and the ſeveral Juſtices of the ſeveral County Courts within this Province, are hereby required and directed, on Application to them made, by the Veſtry-men and Church-wardens of any Pariſh, yearly to aſſeſs the Pariſhioners of ſuch Pariſh, any Quantity of Tobacco, not exceeding Ten per Poll, on the Taxable Inhabitants thereof; be it for the Enlargement or Repairs of any Church heretofore, or hereafter to be enlarged, or for any other Charge that ſhall hereafter be judged by the Veſtry and Church-wardens to be neceſſary for the Uſe of the ſame Pariſh: For collecting whereof, the Sheriffs ſhall be allowed Five per Cent, without any Deduction.

Sheriff's Salary 5 per Cent.

CHAP. VII. An Account thereof ſhall yearly be tranſmitted to the Governor and Council, according to 1704, *ch.* 34, §. 5 and 6.

III. **Provided always**, That an Account thereof be fairly kept, and yearly tranſmitted to the Governor and Council, by the Time, and according to the Directions of an Act of Aſſembly, entitled, *An Act impowering the Commiſſioners of the County Court to levy and raiſe Tobacco, to defray the neceſſary Charges of their Counties and Pariſhes*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 8th *Auguſt* 1729.

An ACT for the Relief of Creditors, and to prevent Frauds and Deceits occaſioned by ſecret Sales, Mortgages, and Gifts of Goods and Chattels. *Lib.* L. N° 5. *fol.* 267.

Preamble.

WHEREAS divers Perſons being indebted to ſeveral of the Inhabitants of this Province, and others his Majeſty's Subjects have Runaway, without making any Satisfaction to their Creditors, and either carried their Subſtance with them, or lodged the ſame in the Hands of ſome Perſons in Truſt to their own Uſe, or made ſecret and fraudulent Sales thereof, to the great Prejudice of Creditors, and the Diſcouragement of Trade: For Remedy whereof,

Any Provincial or County Juſtice, (being informed on Oath, &c. that any Debtor hath run away, &c.) may iſſue his Warrant to the Clerk to iſſue Attachment for the Debt ſo proved, &c.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That when, and as often as any Provincial Juſtice, or Juſtice of the Peace, ſhall be informed upon Oath, by the Teſtimony of one creditable Witneſs, or by any other probable Way, that any Perſon or Perſons, is or are actually run away or removed in a ſecret Manner, from the Place of his, her, or their abode, and ſhall have carried, or ſhall be about to remove and carry away any Part of his, her, or their Subſtance, to deceive his, her or their Creditors, or abſcond or fly from Juſtice, that it ſhall and may be lawful for ſuch Juſtice, upon Application to be made to him, by any Creditor or Creditors of ſuch Runaway or Abſconding Perſon; and making it appear to ſuch Juſtice, that ſuch Runaway or Abſconding Perſon, is really and *bonâ fide* indebted to the Perſon or Perſons making ſuch Application, and in how much, it ſhall and may be lawful for ſuch Juſtice, to iſſue his Warrant to the Clerk of the County Court, or Provincial Court, as the Caſe ſhall require, to iſſue Attachment for what ſuch Creditor or Creditors ſhall make appear to be due or owing to him, her or them as aforeſaid: By Virtue of which Warrant, and this Act, it ſhall and may be lawful for every ſuch Clerk, to iſſue Attachment or Attachments in the uſual Form, for the Debt or Damage that ſhall be ſo proved, and the incident Coſt and Charge for ſuch Creditor or Creditors, againſt ſuch Runaway or Abſconding Perſon; to be directed to the Sheriff or Coroner, as the Caſe ſhall require: Any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

To be proceeded on as directed in 1715, *ch.* 40.

III. **And be it further Enacted**, That the ſame Proceedings ſhall be had on all Attachments to be ſo iſſued, and Security given on Condemnation of any Effects that ſhall be ſo attached, as are directed by the Act for regulating Attachments, and limiting the Extent of them, on Attachments to be iſſued by Virtue thereof.

The Creditor producing any Bond, Bill, &c. ſhall make Oath to the Sum due thereon.

IV. **Provided always**, That when any Creditor ſhall produce any Bond, Bill, proteſted Bill of Exchange, Promiſſary Note, or other Obligation, Writing or Inſtrument, under the Hand and Seal, or Hand, of ſuch Runaway or Abſconding Perſon, ſuch Creditor ſhall make Oath, or Affirmation (if a Quaker) that the whole Debt, or Part thereof, mentioning particularly what Part (if any Payment hath been, or ſhall be made of any Part) remains really

really and *bonâ fide* due and owing to such Creditor or Creditors: And that if the Debt shall be due upon Account, or Book Debt, that then the Creditor shall prove such Account, and how much thereof shall be due as aforesaid; which Account and Probate shall be lodged with the respective Clerks, before any Attachment shall issue.

CHAP. VIII. Accounts or Book Debts to be proved in like Manner.

V. **And whereas**, it has often happened that several Persons have heretofore secretly made over unto their Creditors, or pretended Creditors, or given their own Children or Others, sundry Goods and Chattels, and yet kept the same in their own Possession, whereby they have been believ'd to be the Proprietors of such Goods and Chattels, and thereby procure to themselves Credit for considerable Sums of Money, and Quantities of Tobacco, to the great Prejudice of several Inhabitants of this Province and Others; **Be it therefore Enacted**, *by the Authority, Advice and Consent aforesaid*, That from and after the End of this Session of Assembly, no Goods or Chattels, whereof the Vendor, Mortgagor or Donor, shall remain in Possession, shall pass, alter or change, or any Property thereof be transferred to any Purchaser, Mortgagee or Donee, unless the same be by Writing, and acknowledged before one Provincial Justice, or one Justice of the County where such Seller, Mortgagor or Donor, shall reside; and be within Twenty Days recorded in the Records of the same County.

No Property shall be transferred of Goods, &c. remaining in Possession of any Vendor, Mortgagor or Donor, unless by Writing acknowledged and recorded within 20 Days.

VI. **Provided always**, That nothing in this Act shall extend, or be construed to extend, to make void any such Sale, Mortgage or Gift, against such Seller, Mortgagor or Donor, his Executors, Administrators or Assigns only, or any claiming under him, her or them.

But shall not void such Sale, &c. against the Seller, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

An Act to confirm a Deed of Bargain and Sale from Stephen Yoakley, *to* Thomas Colmore. *Lib.* L. N° 5. *fol.* 270. *PR.*

Passed 8th *August* 1729.

CHAP. X.

An Act for the Assessment of so much Tobacco on the Inhabitants of All-hallows *Parish, in* Anne-Arundel *County, as will build them a new Parish Church. Lib.* L. N° 5. *fol.* 271.

Ditto.

CHAP. XI.

An Act for the further Assessment of Forty Thousand Pounds of Tobacco, on the Inhabitants of St. Anne's *Parish, in* Ann-Arundel *County, towards enlarging and repairing the Church in the City of* Annapolis, *and building a Chapel of Ease in the said Parish; and for the Payment of a fourth Part of the Charge, by a public Assessment on the whole Province, for the Enlargement and Reparation of the said Church. Lib.* L. N° 5. *fol.* 272.

Ditto.

N. B. By this Act the Vestry and Church-wardens were impowered and directed, to leave a Place and Room vacant in the Body of the Church, large enough to contain these Pews, *viz.* A handsome one for the Governor, another for the Honourable the Members of the Council, another Pew for the Honourable the Speaker of the House of Delegates, and five others, large and commodious, for the Members of the said House.

CHAP. XII.

An Act for erecting a Town on the North Side of Patapsco, *in* Baltimore *County, and for laying out in Lots, Sixty Acres of Land, in and about the Place where one* John Flemming *now lives. Lib.* L. N° 5. *fol.* 274.

Ditto.

N. B. By this Act, (1.) Certain Commissioners were appointed, and impowered to purchase (by Agreement, or Valuation of a Jury) Sixty Acres of Land, on the Tract whereon *John Flemming* now lives, commonly known by the Name of *Cole's Harbour*; and to lay out the same, in the most convenient Manner, into Sixty equal Lots, to be erected into a Town. (2.) The Land being laid out, surveyed, marked, staked out and divided into convenient Streets, Lanes, &c. and the Lots marked, numbered, &c. the Owner of the Land to have the first Choice for one Lot; after which the remaining Lots to be taken up by others. None to take up more than one Lot during the first Four Months, nor any but Inhabitants of the County within Six Months after laying out: After which, vacant Lots may be taken up by any other Persons. And the Takers-up of Lots to pay the Owner of the Land, the Valuation of the 60 Acres, proportionably to their Lots: Which shall give such Purchasers, their Heirs and Assigns, an absolute Estate, in Fee-simple, in the said Lots; they complying with the Requisites in this Act

CHAP. XII.

Act mentioned. (3.) The Surveyor to return a Plat of the Town to the County Clerk, to be by him kept among the County Records. (4.) In caſe the Taker-up of any Lot or Lots, neglect to build thereon within 18 Months, a Houſe that ſhall cover 400 Square Feet, then may any other Perſon enter upon ſuch Lot or Lots ſo not built upon, paying the Commiſſioners, or Perſon by them thereunto appointed, the Sum firſt ſet and aſſeſſed upon ſuch Lot, for the public Uſe and Benefit of the Town: Provided ſuch ſecond Taker-up do build and finiſh, within 18 Months after ſuch his Entry made, ſuch Houſe as in this Act is before limited and appointed to be built by the firſt Taker-up; which Houſe ſo built, ſhall give as good Eſtate to ſuch ſecond Taker-up, as is by this Act ſettled upon the firſt Taker-up and Builder. (5.) If any Lots remain untaken-up during Seven Years from the Publication of this Act, then ſhall the Owner of the Land (after ſuch Time expired) be poſſeſſed and intereſted in ſuch Lots, as in his firſt and former Eſtate. (6.) The Town to be called *Baltimore-Town*. (7.) The Commiſſioners to employ a ſufficient Clerk, to make true and impartial Entries of their Proceedings, upon Oath; which Entries ſhall be made up into a well bound Book, and lodged with the Clerk of *Baltimore* County Court, for the Inſpection of any Perſon. (8.) Saying to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all others not mentioned in this Act, their ſeveral Rights.

CHAP. XIII.

Paſſed 8th *Auguſt* 1729.

An Act for the Aſſeſſment of Ten per Poll, on the taxable Perſons in St. Paul's *Pariſh, in* Queen-Anne's *and* Talbot *Counties, the next Levy, and Ten per Poll, the enſuing; alſo for the aſſeſſing Ten per Poll yearly on the taxable Perſons in* St. Luke's *Pariſh, in* Queen-Anne's *County, until they ſhall have raiſed ſufficient to compleat a Church in the ſaid Pariſh. Lib.* L. N° 5. *fol.* 278.

CHAP. XIV.

Ditto.

An Act concerning the Pariſhes in St. Mary's *and* Charles *Counties. Lib.* L. N° 5. *fol.* 279. *DISSENT.*

Proclamation iſſued for Publication of the Diſſent the 7th *May* 1730. Recorded *Lib.* P. L. N° 6. *fol.* 381.

CHAP. XV.

Ditto.

An ACT to encourage the Importation of Gold and Silver into this Province. *Lib.* L. N° 5. *fol.* 282.

Preamble.

WHEREAS the Effects of the Scarcity of Gold and Silver in this Province, are very ſenſibly felt by the Inhabitants thereof; in order therefore to give a ſuitable Encouragement to any Perſon who ſhall import into this Province, any Quantity of Gold or Siver, Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That if any Perſon or Perſons, who ſhall be liable to the Payment of any Duties or Impoſitions, for any Goods or Commodities whatſoever, hereafter to be imported into this Province by Land or Water, or exported out of this Province by Land or Water, by virtue of any Act of Aſſembly made or to be made, (except ſuch Rates and Duties as are due and payable to the Lord Proprietary, or to the Governor of this Province, or appropriated to the College of *Virginia*) ſhall pay and diſcharge the ſame Duties and Impoſitions for any Goods to be imported as aforeſaid, at the Time of Entring the ſame, and for any Goods or Commodities to be Exported, at the Time of Clearing, in Silver or Gold Current Money, at the Rates mentioned in an Act, entitled, *An Act for ſettling the Rates of Foreign Silver Coins within this Province*, and with the Difference of One Hundred Thirty Three Pounds Six Shillings and Eight Pence Current Money, in Gold and Silver, for every One Hundred Pounds Sterling, payable for the aforeſaid Duties (except as before excepted) and ſo in Proportion for a greater or leſſer Sum: The ſeveral Officer or Officers appointed to receive ſuch Rates, Duties and Impoſitions, are hereby required and directed to allow to the Perſon or Perſons making ſuch Payment, the Sum of Fifteen Pounds Current Money out of every One Hundred Pounds Current Money, and Fifteen Pounds Sterling out of every One Hundred Pounds Sterling, and ſo in Proportion for a greater or leſſer Sum, which ſuch Perſon or Perſons ſhall pay in Gold or Silver as aforeſaid, and the Officer or Officers making ſuch Allowance, ſhall be accountable for no more than he ſhall receive after ſuch Allowance made as aforeſaid.

Import or Export Duties (thoſe payable to his Lordſhip, or the Governor, or College of *Virginia* excepted) may be diſcharged in Silver or Gold at the Rates mentioned in the Act of 1708, *ch.* 4,

with the Difference of 133*l.* 6*s.* 8*d.* ſuch Currency for every 100*l.* Sterling.

15 per Cent to be allowed.

II. And

II. And to prevent the Changing of Gold and Silver carried from out of this Province into another, in order to have the Benefit of this Act, Be it Enacted, *by the Authority, Advice and Consent aforesaid*, That every Person or Persons, claiming the Deduction of Fifteen per Cent, as aforesaid, shall, before he or they shall have any Advantage thereof by this Act, take the following Oath *(mutatis mutandis)* before the Officer appointed to receive the same Duties, Rates and Impositions, who are hereby impowered and directed to tender the same, *viz.* CHAP. XV. Persons claiming the 15 per Cent deduction, shall take the following Oath.

" *I* A. B. *do Swear, That the Sum of Gold and Silver which I now Pay, in* " *Discharge of the Rates, Duties and Impositions, for the Goods and Commodities* " *by me Imported at this Time of Entry, was Imported by me into this Province,* " *and not purchased or procured by myself or any other Person for my Use, in this* " *Province, nor was ever carried from out of this Province by myself or any other* " *Person for my Use, with Design of bringing it back again for the Allowance of* " *Fifteen per Cent, on the Duties arising upon the Commodities by me now Im-* " *ported; nor that the same Gold or Silver hath been Exchanged, or obtained by* " *Barter, or in any Manner whatsoever, directly or indirectly, by myself or any* " *other Person, for any Sum or Sums of Money in Gold or Silver, exported or* " *carried from the Province of* Maryland, *by me or any other Person, to the* " *best of my Knowledge.* So help me GOD."

III. And that the Officer or Officers, who shall allow the said Fifteen Pounds per Cent, as aforesaid, shall be, and is hereby obliged and directed to make Oath, before he or they pass his or their Accounts, to be administred by one Provincial Justice, or two Justices of the County Court, " That the " Sum or Sums of Money, for which the said Officer or Officers shall crave " the Allowance of Fifteen Pounds per Cent, as aforesaid, in his or their " Accounts, was or were *bonâ fide* paid by the Person or Persons directed as " aforesaid, to pay the same to the said Officer or Officers: And that the " Oath before directed to be taken by such Person or Persons, was taken by " such Person or Persons at the Time of such Payment;" and which Oath being certified by the said Justice or Justices, it shall and may be lawful to and for such Treasurer or Treasurers to allow the Deduction aforesaid, to the said Officer or Officers in his or their Accounts aforesaid. And the Officers, before passing their Accounts, shall also make Oath, on Certificate whereof the Treasurers shall allow the deduction.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

An Act for the Relief of Christopher Gardiner, *a languishing Prisoner in* Baltimore *County Goal. Lib.* L. N° 5. *fol.* 284. *PR.* Passed 8th *August* 1729.

CHAP. XVII.

An Act against Ingrossers and Regrators. Lib. L. N° 5. *fol.* 289. *REP.* 1735, *ch.* 12. Ditto.

This Act repealed that of 1704, *ch.* 48, which see.

CHAP. XVIII.

An Act to [b] *aid the Proceedings of some of the County Courts within this Province. Lib.* L. N° 5. *fol.* 291. Ditto.

[b] *Viz.* Such Defects as were occasioned by some of the Justices not having taken the Oath of a Judge, *&c.* according to 1728, *ch.* 1, that Act being in Force, as his Lordship's Dissent thereto had not as yet been published.

CHAP. XIX.

An Act for raising a Duty of Three Pence per Hogshead, on all Tobacco exported out of this Province, for the [c] *Uses therein mentioned. Lib.* L. N° 5. *fol.* 292. *EXP.* Ditto.

[c] One Half to the Governor, the other Half to the County Schools; till the 29th *Sept.* 1732.

CHAP.

CHAP. XX.

Passed 8th *August* 1729.

An ACT providing what ſhall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unneceſſary Suits at Law, pleading Diſcounts in Bar, and for repealing an Act of Aſſembly therein mentioned. *Lib.* L. N° 5. *fol.* 294.

The exemplification of Debts of Record, under Seal of the Court, ſhall be ſufficient Proof thereof.

All other foreign Debts ſhall be proved by Oath of the Witneſſes before ſome Magiſtrate, in preſence of a Notary Public,

at which Time the Creditor ſhall alſo make Oath,

to be ſent, together with the Proofs, under Hands and Seals of the Magiſtrate and Notary.

The Executor of ſuch Creditor Suing, ſhall, in like manner, make Oath,

which ſhall alſo be certified, &c.

or ſhall not be admitted in Evidence.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That all Debts of Record, whether by Judgment, Recognizance, Deed Enrolled, and upon Record, the Exemplification thereof under the Seals of the Courts where the ſaid Judgment was given, or was Recorded, ſhall be a ſufficient Evidence to prove the ſame. And that all other Debts, by Bonds, Bills, Accounts, or otherwiſe, that ſhall, from and after the Publication hereof, be ſent hither to be put in Suit againſt any Perſon whatſoever, living or reſiding within this Province, ſhall be proved by the Oaths of the Witneſſes thereto, or any of them, before ſome Magiſtrate, in the Preſence of a Notary Public, who ſhall atteſt that the Oath or Oaths, was, or were, ſo taken; and that the Perſon before whom it, or they, ſhall be taken, ſhall then be a Magiſtrate, or other Officer lawfully authorized thereto, of the County or Place whereſoever it ſhall happen the ſaid Bonds or Bills ſhall be ſent from; at which Time, and before which Public Notary, or other public Officer, ſhall be preſent the Creditors, who ſhall then likewiſe, before ſuch Magiſtrate, or other public Officer of the Place, ſo authorized, upon his Corporal Oath, declare, "*That the ſaid Debt, or any Part thereof (ſaving what the ſaid Creditor gives Credit for) is not ſatisfied, or that there are not any other Accounts between the ſaid Creditor and Debtor, for which the ſaid Creditor may be likewiſe indebted to the ſaid Debtor, to the Value of the ſaid Debt, or any Part thereof, for any Matter or Thing accrued ſince the Date of the ſaid Bond, Bill, or Inſtrument; or whether the ſaid Creditor hath not given the ſaid Debtor any Releaſe for the ſame;*" to be ſent, together with the Proofs, from under the Hands and Seals of the ſaid Magiſtrate, and Public Notary, or other Public Officer thereunto appointed; which, if the Creditor ſhall refuſe or neglect to perform or do, then the ſaid Matter or Thing, by the ſaid Public Notary, or other Officer, ſo by them certified as aforeſaid, ſhall not be received as Evidence to prove the ſaid Debt. And if the ſaid Creditor be dead, and his Executor, or Adminiſtrator, ſhall ſue any Debtor upon any ſuch Bond, Bill, or Account, the Executor or Adminiſtrator, in like Manner, before ſuch Magiſtrate, to be atteſted as aforeſaid, or other Officer for that Purpoſe appointed, ſhall ſet forth and declare, upon their Oath, "*Whether or no they have not heard the Creditor in his Life Time, acknowledge that Debt, or any, and what Part thereof, to be ſatisfied; or whether or not (upon Sight of the Creditor's Books, Writing, or Accounts) they have not ſeen Credit given to the Debtor ſince the Day of the making the ſaid Bills, Bonds, or beginnings of the Accounts ſo ſued for:*" All which, in like Manner, is to be certified by the Public Notary, or other Officer thereunto appointed, under his Hand and Seal, to be ſent to this Country, together with the Teſtimony of the Witneſſes, or any of them, that have teſtified to the ſaid Bonds, Bills, Accounts, or otherwiſe; all which, if the ſaid Executor or Adminiſtrator, refuſe or neglect to do, then the ſaid Matter and Thing, by the Public Notary, or other Officer appointed, as aforeſaid certified, ſhall not be received in Evidence for valid againſt the Debtor.

The Plaintiff's Attorney ſhall give Security for Coſts.

II. **And be it Enacted,** *by the Authority aforeſaid,* That all and every the Attorney and Attorneys, who ſhall be employed in the Proſecution of ſuch Suit, ſhall put in Security to pay the Defendant all ſuch Coſts and Charges as ſhall be by the Defendant in that Caſe expended, in caſe the Plaintiff be caſt in the Suit.

III. And

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III. **And** to the End no honeſt Debtor that hath not fled from the Place or Country where he contracted his Debt, nor wilfully abſconded himſelf, or fled from Juſtice, ſhall be ſurprized by unneceſſary and vexatious Suits at Law, **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That no Perſon whatſoever, reſiding or trading in or to this Province, their Executors, Adminiſtrators, Agents, Factors, or Aſſigns, ſhall, for any Sum or Sums of Tobacco or Money, due and owing to him by Account upon Book, or otherwiſe, (and for which the Debtor hath not paſſed his Hand and Seal to ſuch his Creditor) ſue and implead ſuch Debtor, his Executors, or Adminiſtrators, in any Court of Record within this Province, unleſs he ſhall firſt demand and require the ſame of ſuch Debtor's proper Perſon, or otherwiſe, at the Habitation or Place of Reſidence of the ſaid Debtor, in the County where he ſhall dwell: To prove which Demand, the Creditor's or Demandant's own Oath ſhall be ſufficient; and if the Debtor be not at home to be ſpoke with, then ſuch Demandant ſhall leave a Note under the Hand of ſuch Creditor or Demandant, or thoſe he ſhall impower to receive the ſame, with the Time, and to whom the ſame ſhall be paid, and if thereupon, the ſame be not paid accordingly, then it ſhall and may be lawful for ſuch Creditor to ſue and implead ſuch his Debtor, and recover againſt him all ſuch Coſts and Damages, as upon legal Trial in any Court of this Province, having Cognizance of the Cauſe, ſhall be adjudged as before the making this Act.

No Book Debt, &c. ſhall be ſued, unleſs firſt demanded of the Debtor at his Habitation, &c.

or by a Note left for him.

IV. **But** in caſe any Perſon or Perſons ſhall ſue and implead ſuch his Debtor as aforeſaid, without making Demand as aforeſaid, and the Debtor plead that the Debt was never demanded, by ſuch Plea the Debtor ſhall be taken to admit the Plaintiff's Declaration to be good, and ſhall only put the Demand in Iſſue; which Iſſue, if the Plaintiff do not join, then the Plaintiff ſhall be taken to have made no Demand, and ſhall only have Judgment for his Damages, and ſhall loſe all his own Coſts: And if the Plaintiff join in Iſſue upon the Demand, and it be found againſt him, then the Plaintiff ſhall loſe his own Coſts, and pay Coſts of ſuch Trial to the Defendant; yet the ſaid Plaintiff ſhall have Judgment to recover his Debt or Damages for which he ſues, or for ſo much thereof as appears due upon Balance.

Creditor ſuing without ſuch Demand, ſhall loſe his Coſts.

V. **And be it further Enacted**, That if any Debtor or Debtors, be ſued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco, due upon the Debtor's Aſſumption, or due by Bill or Bond, under the Hand and Seal of the ſaid Debtor, and the Debtor confeſs the Aſſumption, or ſuch Part thereof as he ſhall think fit to plead Diſcount to, and acknowledge his Act or Deed, but ſaith further, that he hath an Account of his own againſt the Creditor, that hath ariſen due to the Debtor ſince the paſſing ſuch Bill or Bond, or after ſuch Aſſumption as aforeſaid, which he deſires may be diſcounted; or ſhall give any Account proved according to the Directions of this Act, and lodged or filed in Court, in Evidence upon the General Iſſue; it ſhall and may be lawful for the Juſtices before whom ſuch Matter ſhall be depending, upon good Proof made of ſuch Account, to cauſe the ſame (although of a leſs or inferior Nature) to be diſcounted in Court, and give Judgment thereupon againſt the Defendant, for ſo much only as ſhall be remaining to the Plaintiff, with Coſt of Suit: Provided the Balance exceed Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four-pence in the County Court; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterling in the Provincial Court; otherwiſe the Plaintiff ſhall be Non-ſuited, as by other Laws are provided.

Account pleaded in Bar, and proved, ſhall be diſcounted.

In what Caſe ſuch Plaintiff ſhall be Non-ſuited.

VI. **Provided nevertheleſs**, That nothing in this Act contained, ſhall be conſtrued to give the ſaid Provincial Court any other Juriſdiction, than what is agreeable to the Act of Aſſembly for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law; any thing herein contained to the contrary notwithſtanding.

But the Provincial Court to have no other Juriſdiction, than is agreeable to 1714, *ch.* 4.

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What ſhall be Evidence of a Bill or Bond.

VII. And for the further Declaration of what ſhall be taken and allowed for Evidences to prove ſuch Bills or Bonds; Be it Enacted, That the Oath of one or more of the Perſons that ſubſcribed as Witneſſes to ſuch Bill or Bond, made before one Juſtice of the Provincial or County Court of this Province, in their reſpective Counties, or any other legal Evidence, ſhall be Evidence to prove the Debts, in the Provincial and County Courts of this Province.

But the Defendant may traverſe.

VIII. Provided nevertheleſs, That if the Defendant will traverſe ſuch Proof, and put it upon the Country for Trial, it ſhall be allowed him ſo to do.

Accounts ſworn by the Creditor to be juſt and true, &c. before one Juſtice, ſhall be good Evidence.

IX. And be it Enacted, *by the Authority aforeſaid*, That an Account of Money, Tobacco, or other Goods, lent, or due, and chargeable for Goods ſold, Work done, or other Things properly chargeable in Account, which ſhall ariſe due after the Tenth Day of *March* next enſuing, and ſhall be ſworn by the Creditor, (or affirmed if a Quaker) "*to be juſt and true*," before one Provincial or County Juſtice, and, "*That he, or ſhe, hath not directly or indirectly received (to his or her Knowledge) any Part or Parcel of the Money, Tobacco, or other Goods, charged as due by ſuch Account, or any Security or Satisfaction for the ſame, more than Credit ſhall be given for*," ſhall be received as good Evidence in any Court of Record within this Province, upon any Trial, or in any Diſpute, before a ſingle Magiſtrate, concerning a ſmall Debt determinable by him; unleſs the Creditor or Defendant ſhall make appear by lawful Evidence, other than his or her own Oath, or Affirmation, that ſuch Account is falſe in Part, or in the Whole.

Exception.

The Defendant may prove an Account againſt the Plaintiff, which ſhall be diſcounted.

X. And be it likewiſe Enacted, That it ſhall and may be lawful for any Debtor or Defendant, in his Defence, to prove an Account by Oath or Affirmation, to be juſt and true, of Goods delivered or ſold, Work done, Money paid or delivered to the Plaintiff or Creditor, towards Satisfaction of the Whole, or Part of the Debt due to ſuch Plaintiff or Creditor, or received by ſuch Plaintiff or Creditor, to the Defendant or Debtor's Uſe, after the ſaid Tenth Day of *March* aforeſaid, which have been, or ſhall be, ſo delivered, paid or received, and for which no Credit is, or ſhall be given to the Defendant or Debtor, which the Court before whom the Trial ſhall be, ſhall adjudge to be diſcounted out of the Plaintiff's or Creditor's Account, or other Demand; unleſs the Plaintiff or Creditor can prove the ſame, or ſome Part thereof to be falſe, by legal Evidence as aforeſaid.

Exception.

Particulars of Accounts to be delivered, if required, in ten Days. Accounts to be proved within 12 Months.

XI. Provided always, That the Particulars of all ſuch Accounts ſhall be delivered, as well by the Creditor to the Debtor, as by the Debtor to the Creditor, within Ten Days after the ſeveral and reſpective Articles ſhall become due, to the Debtor or Creditor who ſhall require the ſame. And that the ſaid Accounts ſhall be Proved within Twelve Months after the firſt Article therein charged ſhall become due, and not otherwiſe.

Accounts proved by the Plaintiff, ſhall be filed with the Declaration, and by the Defendant 10 Days before the Trial Court.

Exception.

XII. And to prevent either Plaintiff or Defendant being ſurprized, Be it Enacted, That all Accounts which the Plaintiff ſhall prove, either by his or her own Oath, or Affirmation only, or otherwiſe, ſhall be filed with the Declaration: And that all Accounts which the Defendant ſhall prove, either by his or her own Oath, or Affirmation only, or otherwiſe, in his or her Defence, ſhall be filed with the ſeveral Clerks, Ten Days, at the leaſt, before the Trial Court; otherwiſe the Account which ſhall be omitted to be ſo filed, ſhall not be received in Evidence; except that where Declarations ſhall be ſent with the Writs, in order for Trial the firſt Court, the Defendant who ſhall inſiſt on any Account in his or her Defence as aforeſaid, ſhall deliver, or ſend a Copy of ſuch Account to the Clerk the firſt Day of the Court, who ſhall receive and file the ſame.

XIII. And

XIII. **And be it further Enacted**, That an Act entitled, *An Act providing what shall be good Evidence to prove foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar*, shall be, and is hereby repealed and abrogated.

CHAP. XX. The Act of 1715, *ch.* 29, repealed.

XIV. **Provided nevertheless**, That it shall and may be lawful for any Person to prove any Account of Goods sold, Money lent, Work done, or other Matters or Articles properly chargeable in Account, which became due at any Time heretofore, or shall become due before the Tenth Day of *March* next, according to the Directions of the said Act, so as all such Accounts shall be Proved as aforesaid, at or before the Thirtieth Day of *August*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty: The Repeal of the said Act, or any Thing in this Act to the contrary notwithstanding.

Proviso as to Debts due before the 10th *March* 1729.

XV. **And be it further Enacted**, That any Person who shall wittingly and advisedly Swear, or Affirm falsely, to any Account, before any Provincial or County Justice, and shall be thereof lawfully convict by Confession or Verdict, shall suffer the same Pains and Penalties as in case of corrupt and wilful Perjury.

False Swearing to Accounts, to be punished as Perjury.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXI.

An Act for the Preservation of the Breed of Wild Deer. Lib. L. N° 5: *fol.* 301. *REP.* 1730, *ch.* 17.

Passed 8th *August* 1729.

CHAP. XXII.

An Act reviving and continuing an Act, entitled, [d] *An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law who shall attend the Circuit Courts; made at a Session of Assembly begun and held at the City of* Annapolis, *the* 15*th Day of* March, Anno Domini 1725. *Lib.* L. N° 5. *fol.* 302. *DISSENT.*

Ditto.

[d] 1725, *ch.* 22. Proclamation for Publication of the Dissent issued 7th *May* 1730. Recorded *Lib.* P. L. N° 6. *fol.* 382.

CHAP. XXIII.

An Act for the Relief of Thomas Worsley, Hezekiah Clarke, *and* Benjamin Freeman, *Prisoners in* Ann-Arundel *County Goal. Lib.* L. N° 5. *fol.* 303. *PR.*

Ditto.

CHAP. XXIV.

An Additional and Supplementary ACT to the several Acts for the Administration of Justice in Testamentary Affairs. *Lib.* L. N° 5. *fol.* 305.

Ditto.

An Explanatory Act 1735, *ch.* 17.

WHEREAS it is necessary, as well to explain several doubtful Clauses in the Acts heretofore made for the Administration of Justice in Testamentary Affairs, as to make Additions to supply some Defects therein:

Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That no Negro, or other Slave, shall be sold by any Executor or Administrator, or reserved for his or her own Use, for the Payment of any Debt due or owing to any Executor or Administrator; nor shall any Negro, or other Slave, be taken in Execution, for any Debt due from any Testator, or Intestate, so long as there shall be other Goods, which were of such Testator, or Intestate, sufficient to satisfy such Execution, the Executor or Administrator shewing such other Goods, which the Sheriff, or other Officer is hereby required to demand.

No Slave to be sold, *&c.* for Debts of the Deceased, so long as there are other Goods sufficient. But the Executor shall shew the Goods, *&c.* See 1715, *ch.* 39, §. 7.

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The County Courts to enquire concerning Debts received, &c. by Executors,

and cauſe the ſame to be recorded;

which Record ſhall be admitted as Evidence on Suit.

III. And be it further Enacted, *by the Authority, Advice, and Conſent aforeſaid*, That the Juſtices of the ſeveral County Courts, ſhall, every Court, as well by giving the ſame in Charge to the Grand Juries, as by ſuch other Ways and Means as the Truth may be beſt diſcovered, enquire, "Whether "any Executor or Adminiſtrator hath received and not accounted for any "Debts due to the Deceaſed, or neglected or omitted to receive or recover "any Debt or Debts ſo due;" and to call ſuch Executors or Adminiſtrators before them: And if, upon Examination and Hearing of ſuch Executor or Adminiſtrator, in his or her own Defence, it ſhall ſufficiently appear, that ſuch Executor or Adminiſtrator hath received, and not accounted for, or neglected to receive or recover any ſuch Debt or Debts, that the Juſtices ſhall order their Clerk to enter the Particulars thereof on Record; which ſhall be allowed and received in Evidence, in any Suit to be commenced by the Guardian, during the Minority of the Orphan, or by the Orphan at full Age, or by any Creditor againſt the Executor or Adminiſtrator, or by the Ward againſt the Guardian.

The Commiſſary-General to ſend Liſts of Debts to the County Courts.

IV. And be it further Enacted, That the Commiſſary-General ſhall be obliged to ſend Liſts of the ſperate and deſperate Debts, to the County Courts, in the ſame Manner as Balances are already directed to be tranſmitted, the better to enable the County Juſtices to make the Enquiries required by this Act to be made.

The Duty of Juſtices of Aſſize herein.

V. And be it Enacted, That the Juſtices of Aſſize, ſhall give it in Charge to the reſpective Grand-Juries, to enquire, "Whether the Juſtices of the "County Courts duly execute what is required of them by this and other "Acts relating to Teſtamentary Affairs, &c."

County Courts may require new Security of Guardians, &c. and on Refuſal remove Orphans, &c. into other Hands.

Guardians diſobeying ſuch Order may be attached, &c.

Guardians &c. proving inſolvent, the Court may take the Orphans into their own Hands, &c.

VI. And be it further Enacted, When, and as often as the Juſtices of the County Courts ſhall find it neceſſary to oblige any Guardian, or other Perſon in Poſſeſſion of any Orphan's Eſtate; to give new or better Security for ſuch Eſtate; that in caſe of Refuſal to comply with their Order therein, it ſhall and may be lawful for the ſaid Juſtices, and they are hereby required, immediately to remove the Perſon and Eſtate of ſuch Orphan into other Hands. And in caſe the Guardian, or other Perſon as aforeſaid, ſhall not obey ſuch Order of Removal, that then, and in ſuch Caſes, the ſaid Juſtices ſhall and may iſſue Attachment, or other Proceſs againſt ſuch Guardian, or other Perſon, to anſwer his or her Contempt, and to commit him or her to Priſon, there to remain until the Order of the ſaid Juſtices ſhall be fully complied with: And that when, and as often as it ſhall appear to the Juſtices of the County Courts, that the Guardians of Orphans, and Sureties for their Eſtates, are inſolvent; and that no Perſons will undertake the Guardianſhip of ſuch Orphans, and give Security for their Eſtates, it ſhall and may be lawful for the ſaid Juſtices, and they are hereby impowered and required, to take the ſaid Eſtates into their own Hands, to ſell and diſpoſe thereof, (except Negroes and Plate,) for the beſt Price they can: And alſo to diſpoſe of the Money and Tobacco ariſing by ſuch Sale, and the Negroes and Plate, to the Orphan's beſt Advantage, and to take good Security for the ſame; and alſo to demiſe any Lands or Tenements that ſhall belong to any ſuch Orphan.

N. B. County Courts are inveſted with the ſame Powers in Regard to Guardians choſen by Orphans, by 1752, *ch.* 3, §. 4.

Perſons treſpaſſing upon Orphans Lands to pay treble Damages.

VII. And whereas ſeveral Perſons not being Guardians, have got into the Poſſeſſion of Lands belonging to Orphans, and demiſed or occupied the ſame, and received the Profits thereof; Be it Enacted, That it ſhall not be lawful for any Perſon whatſoever, not being Guardian, or not having Licenſe from a Guardian, to enter into, poſſeſs, or occupy any Lands or Tenements belonging to any Orphan or Orphans, without firſt applying to the County Court, and obtaining Leave from them, for ſuch Rents as they ſhall think juſt

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juſt and reaſonable to be paid to ſuch Orphan or Orphans; on Pain of being Treſpaſſers, and paying treble Damages, and full Coſt to ſuch Orphan or Orphans, to be recovered by the Guardian during the Orphan's Minority, or by the Orphan when at full Age.

Guardians to account with their Wards for the Surplus Profit of real Eſtates.

VIII. **And be it likewiſe Enacted and Declared**, That Guardians ought to render an Account to their Wards, of the Surplus of the Profits of their real Eſtates, beyond what ſhall be neceſſarily expended in the Maintainance and Education of ſuch Ward; and to ſecure the ſame, as this Act directs other Parts of Orphans Eſtates to be ſecured.

Guardians convict of Waſte, ſhall give Security for double Damages.

IX. **And be it further Enacted**, That when, and as often as any County Court, ſhall, by the Preſentment of any Grand Jury, or otherwiſe, be informed, of any Waſte being done by any Guardian, upon any Orphan's Eſtate, to iſſue their Warrant to cauſe ſuch Guardian to appear before them; and if, upon the ſaid Guardian's Appearance before them, and being heard in his or her Defence, or Refuſal to appear, being ſummoned, ſuch Information ſhall appear to be true, the ſaid Juſtices ſhall order the Sheriff, with all poſſible Speed, to ſummon a Jury upon the Place where the Waſte ſhall be committed, to enquire upon their Oath, into the ſame, and of what Damage ſuch Waſte ſhall be to ſuch Orphan; which being returned to the ſaid Juſtices, they are hereby required to oblige the Guardian to give Security for double the Damages that ſhall be aſſeſſed by ſuch Jury: And in caſe of Refuſal to commit ſuch Guardian to Priſon, there to remain until he or ſhe will comply with their Order therein.

In caſe of a conſiderable Deviſe of perſonal Eſtate to the Wife, ſhe ſhall make Election, either of the Legacy, or the Thirds, in 40 Days, or ſhall be concluded by the Deviſe, and loſe her Thirds, which ſhall be liable to her Huſband's Debts.

X. **And whereas** ſome Doubts have ariſen concerning the Rights of Widows, to the Real and Perſonal Eſtates of their deceaſed Huſbands: For avoiding all ſuch Doubts; **Be it Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That in ſuch Caſe, where the Teſtator bequeaths or deviſes a conſiderable Part of his Perſonal Eſtate to his Wife, and it appears not in any Part of his Will or Codicil, that he intended the ſaid Deviſe as a Legacy only to his Wife; and that ſhe might nevertheleſs, have a Third Part of his remaining Eſtate, it ſhall be at the Election of ſuch Wife, Widow, or Relict, within Forty Days after the Probate of ſuch Will, to make her Election before the Judge for Probate of Wills, or the reſpective Deputy-Commiſſaries in each reſpective County, Whether ſhe will be content with ſuch Deviſe, or will have her Thirds, and releaſe the Deviſe; and if ſhe make Choice to have what is ſo bequeathed or deviſed to her, then, by that Choice, ſhe ſhall be for ever barred from claiming her third Part aforeſaid; and if ſhe renounce what is ſo bequeathed and deviſed, ſhe ſhall then have her third Part aforeſaid, and be barred of her Deviſe; but ſhall not claim or have both: But in caſe ſuch Widow ſhall neglect to make ſuch Election within the Time aforeſaid, ſhe ſhall then be concluded by what ſhall be bequeathed to her by her Huſband, and ſhall not have or claim any more of his Perſonal Eſtate, than ſhall be ſo bequeathed. **Provided always**, That ſuch Part of the perſonal Eſtate or Eſtates ſo bequeathed, ſhall be liable to pay the Debts of the Deceaſed, as other Part of the Eſtate is or ought to be.

N. B. By this Clauſe an Alteration is made in 1715, *ch.* 39, §. 35.

In caſe of a conſiderable Deviſe of real Eſtate, ſhe ſhall make her Election as aforeſaid,

XI. **And** if ſuch Wife or Relict have any Part of her Huſband's Lands, or Real Eſtate of Inheritance deviſed to her by her Huſband, and that it do not appear by any Part of the Will, that he intended her ſuch a Part of his Real Eſtate aforeſaid, and her Dower out of the reſt of his Real Eſtate beſides, then it ſhall be lawful for ſuch Widow, or Relict, to make her Election as aforeſaid, within the Time aforeſaid, whether ſhe will accept of ſuch Deviſe, or the Third Part of all her Huſband's Real Eſtate, of which ſhe is endowable; and if ſhe accept of her Deviſe, ſhe ſhall be for ever debarred of her Dower out of the reſt of the Teſtator's Real Eſtate, and if ſhe accept of her Dower, then

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or be concluded by the Deviſe, and barred of Dower.

then ſuch Acceptance ſhall be adjudged a full Recompence of her Deviſe aforeſaid: But in caſe ſhe ſhall neglect to make ſuch Election within the Time aforeſaid, ſhe ſhall then, by ſuch Neglect, be concluded by what is deviſed to her, and ſhall be thereby barred of her Dower of ſuch Deceaſed's Real Eſtate, unleſs it ſhall appear to be the Deſign of the Deviſor, that ſuch Widow ſhall have both Deviſe and Dower; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

N. B. This Clauſe is the ſame with 1715, *ch.* 39, §. 36.

County Courts, may remove Children of deceaſed Proteſtants from Popiſh Mothers, &c.

XII. **And be it Enacted**, That where any Perſon being a Proteſtant, who ſhall die and leave a Widow and Children, and ſuch Widow ſhall intermarry with a Papiſt, or be herſelf a Papiſt, that it ſhall and may be lawful for the Juſtices of the County Courts, upon Application, to remove ſuch Child or Children out of the Cuſtody of their Mother, and place him, her, or them, where he, ſhe, or they, may be ſecurely educated in the Proteſtant Religion; and to allow the Intereſt of ſuch Orphan's Eſtate, or ſuch Part thereof, as may be neceſſary for his, her, or their Support. And that the like Care be taken, that all Children, whoſe Fathers died in, or profeſſed themſelves to be of, the Communion of the Church of *England*, be educated and inſtructed in the Doctrine and Principles of that Church.

Children of Proteſtants of the Church of *England*, ſhall be educated in the Principles of that Church.

But an Appeal herein ſhall lie to the Governor and Council.

XIII. **Provided always**, That any Perſon who ſhall think him or herſelf aggrieved by the Juſtices of the County Court, in the Premiſes, may appeal to the Governor and Council, who may hear and finally determine the ſame.

The Commiſſary-General ſhall ſend the Names, &c. of Sureties to the County Courts.

XIV. **And be it further Enacted**, *by the Advice, Conſent, and Authority aforeſaid*, That the Commiſſary-General ſhall be obliged to ſend the Liſts of the Names and Sirnames of Sureties, with their Places of Abode, to the ſeveral County Courts, with the Accounts or Balances required to be tranſmitted, by the Act, entitled, *An Act for the better Adminiſtration of Juſtice in Teſtamentary Affairs, granting Adminiſtrations, Recovery of Legacies, ſecuring Filial Portions, and Diſtribution of Inteſtates Eſtates.*

What Preference ſhall be given to Debts due to the Crown, or his Lordſhip.

XV. **And be it further Enacted**, *by the Authority aforeſaid*, That Executors or Adminiſtrators, ſhall proceed in the Payment of Debts, in the ſame Manner as they have been and are obliged, by the ſaid laſt mentioned Act, entitled, *An Act for the better Adminiſtration of Juſtice in Teſtamentary Affairs*, &c. without any other Preference to Debts due to his Sacred Majeſty, his Heirs or Succeſſors, or to the Lord Proprietary, his Heirs or Succeſſors, than to ſuch Debts as are or ſhall be due to his Sacred Majeſty, his Heirs or Succeſſors, or to the Lord Proprietary, his Heirs or Succeſſors, for the proper Uſe and Benefit of them, or either of them; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Minors entitled to Lands by Purchaſe, ſhall not be obliged to anſwer Suit, or Ejectment.

XVI. **And whereas**, by the Laws of *England*, the Age is not allowed to any but the Heir at Law; and it appears to this General Aſſembly, that Children, other than the Heir at Law, are within the ſame Reaſon, and the allowing thereof here will be advantageous to Minors; **Be it Enacted**, *by the Authority aforeſaid*, That all Perſons under the Age of Twenty-one Years, who ſhall hereafter be entitled to any Lands, Tenements, or Hereditaments, by Purchaſe, ſhall not be obliged, during their Minority, to anſwer any Suit or Ejectment in Relation to the ſaid Lands, Tenements, Hereditaments, any more, or otherwiſe, than they would be, if ſuch Lands, Tenements, or Hereditaments, became their Right by Deſcent.

The Balances of Inteſtates Eſtates, (See 1719, *ch.* 14.)

XVII. **And be it further Enacted**, *by the Authority aforeſaid*, That every Adminiſtrator obliged by the Act, entitled, *An Act for the Application of ſuch Inteſtates Eſtates as leave no legal Repreſentatives*, &c. to pay the Balance of the Eſtate to one of the Public Treaſurers, ſhall hereafter be obliged to pay and ſatisfy

satisfy the Balance of such Estate to the Visitors of the Public School of the County, where the Deceased resided, in the same Manner as such Administrator should have been obliged by Law to pay the same to any legal Representative, in case any such should have appeared; to be applied to the Use of such School; save that by the Acts now in Force, sundry Particulars of the Goods and Chattels are directed to be paid in Specie, according to Appraisement, to the legal Representatives; in this Case, such Administrator shall pay the said Balance of such Estate in Current Money, or in Specie, at the Direction of the Visitors: For the Payment whereof, if in Current Money, he shall be allowed Ten per Cent, if in Specie, Five per Cent, and no more.

Allowance to the Administrator.

XVIII. **Provided,** That in case such Administrator be of Kin to the Deceased, within the Fifth Degree of either Consanguinity or Affinity, then such Administrator, and all others that are as nearly related to the Deceased, as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers or Sisters Children to the Deceased: And such Balance shall be distributed accordingly.

But such Administrators, if related in the 5th Degree, shall have Right to such Residue.

XIX. **Provided nevertheless,** That in case there be a Widow, no Collaterals shall be admitted, other than these directed by this Act; but such Widow shall have the whole Residue of such Estate; any thing herein before contained to the contrary thereof notwithstanding.

But in case there be a Widow, she shall have the whole.

XX. **Provided nevertheless, and be it Enacted,** *by the Authority, Advice and Consent aforesaid,* That in case such Residue shall happen to be paid to such Visitors as aforesaid, in Default of legal Representatives as aforesaid: And that any legal Representatives of no remoter Degrees, amongst Collaterals, than Brothers or Sisters Children, shall at any Time appear, and prove him, her, or themselves, to be such legal Representatives, that then the Visitors that received the Residue of such Estate, or their Successors, if it shall be in their Hands, shall restore the same to such legal Representative or Representatives: And if such Residue shall be actually applied to the Use and Support of the Public School, that then the Public Stock of such School, in the Hands of the Public Treasurers of this Province, or either of them, shall be liable to make Satisfaction to such Representative or Representatives, of such Residue; and that the said Visitors shall give an Order to such Representative or Representatives for the same, on the Public Treasurers, who shall be obliged, by virtue of this Act, and such Order, to pay the same out of the Public Stock of such School, if so much in their Hands; if not, so much as shall be in their Hands; and the Residue when they shall receive so much to the Use of such School. And if the Administrator shall be obliged to pay any further Debt or Duties that were due from the Deceased, such legal Representative receiving the said Residue, shall refund to such Administrator the Value of what such Administrator shall be obliged to pay as aforesaid; Provided the same doth not exceed the Residue received by such Representative; any thing in the said Act *for the Application of such Intestates Estates, &c.* to the contrary in any wise notwithstanding.

In what case the Visitors shall refund.

In what case such Representatives shall refund.

XXI. **And forasmuch** as Disputes have arisen whether the Act of Limitation extends unto Actions brought upon Testamentary and Administration Bonds; **Be it further Enacted,** *by the Authority, Advice, and Consent aforesaid,* That all Actions upon Administration and Testamentary Bonds shall be commenced within Twelve Years after the passing of the said Bonds, and not after.

Actions upon Administration, &c. Bonds shall be commenced within 12 Years.

XXII. **Provided always,** That nothing in this Act shall be construed to bar any Person within the Age of Twenty-one Years, *Femme-Covert, Non Compos*

A Saving to Infants, &c.

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Compos Mentis, or Impriſoned, or Perſons beyond Seas, from bringing an Action or Actions, within Six Years after their coming to, or being of full Age, Uncovert, Sound Memory, at Large, or returned from beyond Seas, upon any Adminiſtration or Teſtamentary Bond.

In what caſe County Courts ſhall oblige Executors to give counter Security,

XXIII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the ſeveral County Courts of this Province, ſhall, and are hereby impowered and required, as often as the Sureties, or any of them, or their, or any of their legal Repreſentatives, on any Adminiſtration or Teſtamentary Bond or Bonds, paſſed for any Guardian, ſhall Petition ſaid Court for Counter Security, to keep him, her, or them, indemnified from ſuch Bonds, and make appear to the Satisfaction of ſuch Court, that he, ſhe, or they, is or are in Danger of ſuffering thereby, to cauſe the ſaid Executors, Adminiſtrators, or Guardians, to give the ſaid Petitioner or Petitioners ſufficient Counter Security, to indemnify him, her, or them, from ſuch Bonds: And in caſe the ſaid Executors, Adminiſtrators, or Guardians, ſhall refuſe or neglect to do the ſame, to cauſe Attachment againſt his, her, or their Bodies, to be iſſued, to compel him, her or them thereto. And in caſe ſuch Executor, Adminiſtrator, or Guardian, ſhall not be able, or ſhall refuſe or neglect to give ſuch Security, it ſhall and may be lawful for ſuch County Court, and they are hereby required, to * order ſuch Eſtate, or ſuch Part thereof as ſhall be left in the Hands of the ſaid Executor, Adminiſtrator, or Guardian, to be delivered into the Hands of the ſaid Sureties, or their, or either of their legal Repreſentatives, who are hereby impowered, by Proceſs of Attachment or Diſtreſs, to be iſſued out of the ſaid Court, to take and poſſeſs themſelves of the ſame: And on Receipt thereof, ſhall be obliged to return an Account of what they ſhall ſo receive, to the ſaid County Court, appraiſed upon Oath, by Two indifferent Perſons to be appointed by the ſaid Court; and the ſaid Executor, Adminiſtrator, or Guardian, ſhall be diſcharged of ſo much as the ſaid Sureties, or their, or either of their legal Repreſentatives ſhall receive, by virtue of ſuch Order or Proceſs.

or be attached, and the Eſtate to be delivered up to the Sureties.

Duty of the Sureties in ſuch Caſe.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* By 1735, *ch.* 17, §. 2, No ſuch Order ſhall be executed, *&c.* or Proceſs therein iſſued, before ſuch Sureties, *&c.* have entered into Bond or Recognizance to his Lordſhip before the Court, with two ſufficient Sureties for their Delivery or Payment of all Goods, *&c.* which ſhall come to their Poſſeſſion by virtue of ſuch Order, or the Value thereof, according to Law, to any Perſons having Right to, and lawfully requiring the ſame, *&c.*

CHAP. XXV.

Paſſed 8th *Auguſt* 1729.

An ACT to prevent rigorous Proſecutions on Sheriffs, Teſtamentary, Adminiſtration, and Deputy-Commiſſaries Bonds. *Lib.* L. N° 5. *fol.* 315.

Preamble.

WHEREAS it is repreſented to this General Aſſembly, that Sheriffs and Teſtamentary Bonds are frequently put in Suit, in the Provincial Court; and that the Perſons cauſing ſuch Bonds to be ſued, upon their obtaining Judgments, frequently iſſue Executions for the whole Penalties contained in ſuch Bonds, with Direction to the Sheriff, or Coroners, to releaſe the Party executed, upon Payment of what the Creditor alledges his Demand to be.

II. **And whereas** an Act of Parliament made the Eighth and Ninth Years of King *William* the Third, entitled, *An Act for the better preventing frivolous and vexatious Suits*, does not fully provide for the Evils complained of;

No Judgment ſhall be obtained on ſuch Bonds,

III. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That it ſhall not be lawful for

for any Person or Persons, causing such Bonds to be sued, to proceed to Judgment, until the Creditor or Creditors, clearly make appear to the Court, what his, her, or their Demand is or are, which Court may, and they are hereby impowered, upon the Defendant's having Notice given him, her, or them, or Notice left at the Place of his, her, or their last Place of Abode, Twenty Days before the Court in which the Plaintiffs apply, for such Debt or Demand to be assessed, as also a Copy of the Nature of his, her, or their Demand, attested by the Clerk, to assess such Damages, or appoint Auditors to adjust such Demands; whereupon it shall be lawful for such Court to give Judgment to such Creditor or Creditors, on such Bond in usual Manner: But that Execution only issue for such Sum as shall be made appear to be due, unless the Party at whose Request such Bond be sued, or the Defendant or Defendants applies to the Court, praying a Writ of Enquiry; which, if either Party prays, shall be issued by the Court, to be proceeded in according to the Directions of the aforesaid Act of Parliament; and that Execution issue for no more than found by the Jury, with Costs and Interest, till Payment made or tendered. And that where any such Bond is proceeded on to Judgment, no other Creditor shall come in for any Part of the Penalty, under Pretence of any Thing being due to such Creditor, without sending a *Scire facias* to be served, which *Scire facias* shall be sued within Eighteen Months after such Recovery, and not after, on the Defendant or Defendants. In which *Scire facias* shall be contained the Nature of such Creditor or Creditor's Demand, and the Sum due.

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till the Creditor make appear to the Court what the Demand is.

The Defendant to have 20 Days Notice,

and Execution issue for no more than the Sum due, unless a Writ of Enquiry be prayed.

No other Creditor shall come in for any Part of the Penalty, without a *Scire facias*, &c.

IV. **And be it further Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That all Actions hereafter to be brought on Sheriffs Bonds hereafter to be passed, shall be sued or brought within the Space of Five Years after the passing such Bond, and not afterwards: And all Actions hereafter to be brought on Sheriffs Bonds, heretofore entered into, shall be brought and commenced within Three Years after the End of this present Session of Assembly, and not afterwards.

Actions on Sheriffs Bonds, shall be brought within Five Years.

V. **Provided**, That this Act, nor any Thing herein contained, shall bar his Sacred Majesty, his Heirs and Successors, nor the Right Honourable the Lord Proprietary, his Heirs and Successors, from suing in their own Right, at any Time: And, if any Person entitled to sue such Bond, shall be at the Time of any Cause of Action on such Bond, under the Age of One and Twenty Years, *Femme Covert*, *Non Compos Mentis*, Imprisoned, or beyond the Sea, that then such Person or Persons shall be at Liberty to bring his, her or their Action within the Space of Five Years after such Impediment removed, as other Person having no such Impediment might, or should have done.

A Saving to the Crown, and the Lord Proprietary,

and to Infants, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVI.

A Supplementary ACT to the Act entitled, An * Act to prevent the Abuses of concealing convicted Felons, and other Offenders imported into this Province; and for the better Discovery of them. *Lib.* L. N° 5. *fol.* 317.

Passed 8th *August* 1729.

* 1728, *ch.* 23.

FORASMUCH as it appears to this General Assembly, That the Oath or Affirmation prescribed by the before recited Act, to be taken by any Person importing or bringing into this Province any Servant or Servants, is too extensive, and includes a Discovery of Offences never intended by the said Act:

Preamble.

II. **Be it Enacted and Declared**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all

CHAP. XXVI. The Oath which shall be taken by all Persons importing Servants into this Province.

Masters of Vessels, and other Persons whatsoever, bringing any Servant or Servants into this Province, by Land or Water, shall only be obliged to declare to the Naval Officer of the Port or District, into which such Servant or Servants shall be imported or brought, upon Oath (or Affirmation if a Quaker) "*To the best of their Knowledge, whether such Servant or Servants be then* "*under the Sentence of Transportation, and if so, for what Offence, and the Term* "*of Years they have to serve*;" any thing in the said recited Act to the contrary thereof, in any wise notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVII.

Passed 8th *August* 1729. *An Act impowering a Committee to lay, assess, and apportion the Public Levy for this present Year One Thousand Seven Hundred and Twenty-nine.* *Lib.* L. N° 5. *fol.* 319. *OBS.*

1730. At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 21st Day of *May*, in the 15th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 16th of *June* following, in the Sixteenth Year of his Lordship's Dominion, *Annoq*; *Domini* 1730, were Enacted the following Laws, *viz.*

BENEDICT LEONARD CALVERT, Esq; Governor.

CHAP. I.

Passed 16th *June* 1730. *An Act for ascertaining the Form of the Oath of Judge or Justice.* *Lib.* L. N° 5. *fol.* 321. *DISSENT.*

Proclamation for Publication of the Dissent issued 18th *May* 1731. Recorded *Lib.* P. L. N° 6. *fol.* 518.

CHAP. II.

Ditto. *An Act altering the Bounds of Two Acres of Land, heretofore granted to* Great-Choptank *Parish, on which the Chapel in* Vienna *now stands.* *Lib.* L. N° 5. *fol.* 323.

N. B. By this Act, (instead of the Bounds settled by the Act of 1727, *ch.* 9,) the Bounds of the said Two Acres are declared to be as follow, *viz.* Beginning at the N. E. Corner of the Chapel aforesaid; and running E. to *William Ennalls*'s Ditch; then S. 38° W. Twelve Perches; then W. 38° N. Twenty Perches; then N. 38° E. Sixteen Perches; then E. 38° S. Twenty Perches, to the said Ditch, then bounding therewith, 'til it intersects the aforesaid East Line drawn from the said Chapel, containing Two Acres of Land. The Vestry to run the said Lines, and place One Cedar Post at each Corner of the same, and enter the Lines and Plat in their Register Book of the said Parish; and when so compleated, the said Bounds to remain for the future, the undoubted Bounds of the said Two Acres of Land for ever.

CHAP. III.

Ditto. *An Act to enable the High Court of Appeals to continue an Appeal therein depending between* Edward Fotterel *and* Anne *his Wife, late* Anne Lloyd, *Appellants; and* David Robinson *and* Judith *his Wife,* John Robinson *and* Grace *his Wife, and* Rebecca Tibbles, *Defendants.* *Lib.* L. N° 5. *fol.* 325. *PR.*

CHAP. IV.

Ditto. *An Act for the Relief of* James Peerman, *a Prisoner in* Ann-Arundel *County Goal.* *Lib.* L. N° 5. *fol.* 326. *PR.*

CHAP.

CHAP. V.

A Supplementary Act to the Act entitled, [a] *An Act for the laying out of Land, and erecting a Town in* St. Mary's *County, at a Place formerly called* Seymour's Town. *Lib.* L. N° 5. *fol.* 328.

Passed 16th *June* 1730.

[a] 1728, *ch.* 16.

N. B. By this Act, (1.) *Thomas Spalding*, junr, the Owner of the Land, was permitted to use the Lots not taken up, *&c.* but not to remove any of the Boundary Posts. (2.) It appearing that Part of One Acre of Land, whereon the Court-house of *St. Mary's* County now stands, was heretofore given by *Philip Lynes*, Esq; deceased, to the Justices of the County for that Purpose; but through Negligence of the Clerk doth not appear upon Record, though Three of the Bound-Posts are now standing, and the Place of the other well known; the said Land, contained within the said Bounds, is hereby vested in the Justices, *&c.* to the Use of the said County for ever. (3.) The Surveyor to make a fair Plat of *Leonard-Town*, which shall be subscribed by the Commissioners, and by them returned to the County Clerk, and by him be entered among the Land Records of the said County. (4.) The original Act of 1728, *ch.* 16, not having mentioned what Estate the Takers-up of Lots shall have in the same; it is hereby Enacted, that all Persons who already have taken up, or that shall hereafter take up and pay for any of the said Lots, and in all Things comply with the Directions of the aforesaid Act, shall have and enjoy an Estate in Fee-simple in the Lots so by them taken-up, paid for, and built upon. (5.) Possessors of Lots to pay to the Right Honourable the Lord Proprietor, and his Heirs for ever, One Penny Current Money *per Annum*, for each Lot so taken up, *&c.*

CHAP. VI.

An Act for the laying out of Land, and erecting a Town, at a Place called Broxon's Point, *in* Cæcil *County*. *Lib.* L. N° 5. *fol.* 331.

Passed 16th *June* 1730.

N. B. By this Act, (1.) Certain Commissioners are impowered to purchase Twenty Acres of Land about the Midway of *Bohemia* River, on the South Side thereof, at a Place called *Broxon's Point*, in *Cæcil* County, and cause the same to be surveyed and laid out for a Town. (2.) The Commissioners to purchase the said Land by Agreement, or Valuation of a Jury. (3.) And cause the same to be laid out by the County Surveyor into Twenty equal Lots, allowing convenient Streets, Lanes, *&c.* and the Lots to be distinguished by Posts towards the Streets, *&c.* and numbered from 1, to 20. (4.) The Owner of the Land to have the first Choice of one Lot, provided he make Choice in Fifteen Days; after which the remaining Lots may be taken up by Inhabitants of the County; but none to take up more than one Lot during the first Four Months, and if not wholly taken up by the aforesaid Inhabitants within that Time, then any other Persons whatsoever to be at Liberty to take up the same. (5.) The Sum assessed by the Jury, or agreed for by the Commissioners as aforesaid, shall be paid to the Owners of the Land, by the Persons taking up Lots, in Proportion to their Lots. (6.) Persons taking up Lots shall build thereon, within 18 Months after taking up, a House to cover 400 square Feet, exclusive of Sheds; and, if a Dwelling-house, no Chimney to be made but of Brick or Stone: And all the Houses to be built on the Edge of some Street, Lane, or Alley, and to front the same. (7.) The Commissioners to return an Account of their Proceedings, within Ten Days after laying out the Town, to the County Clerk; and the Surveyor likewise to return to the said Clerk a fair Plat and Certificate of the Town; which Proceedings, Plat and Certificate, shall be by the Clerk entered among the Land Records of the County, and the Originals filed and kept in his Office. (8.) Persons thinking fit to take up Lots, shall apply to the County Clerk, who shall enter in the said Records the Name of the Person applying, the Date, and Number, of the Lots by them taken up. And the Persons causing such Entry to be made, and building on such Lots as directed by this Act, shall be vested with a sure, and indefeasible Estate of Inheritance, in Fee-simple, of, in, and to such Lots, *&c.* (9.) Persons neglecting to build as before directed, shall entirely lose all their Right, Title, *&c.* to such Lots so not built on, and any other Person may take up such Lots, making such Entry as by this Act directed, and paying to the Commissioners, or Person by them appointed, the Sum originally assessed thereon, for the Use and Benefit of the Town: And such second Takers-up, by virtue of such Entry and Payment, and building thereon as before directed, within 18 Months from such second Entry, shall be vested with the same Estate therein as is by this Act settled on the first Taker-up. (10.) If any Lot remain not taken up in Seven Years from the Laying out such Town, then shall the Owner of the Land be possessed and interested therein, as in his first and former Estate. (11.) The Town to be called *Cæcil-Town*. (12.) Saving to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all others not herein mentioned, their several Rights. (13.) Possessors of Lots to pay yearly to his Lordship's Agent, One Penny Current Money for each Lot, *&c.*

CHAP. VII.

An Act for improving the Staple of Tobacco, and for continuing Part of an [b] *Act ascertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent Cropping, Cutting and Defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents for the Term therein proposed; and for the taking off the Three-pence per Hogshead formerly raised for the Public Charge. Lib.* L. N° 5. *fol.* 335. *EXP.*

Ditto.

Such Parts of this Act as related to the Restraining the Number of Tobacco Plants to be planted, *&c.* was to continue in force 'til the 29th *September* 1731; and such other Clauses as related to Payment of one Fourth Part of certain Public Dues in Grain, were to continue in Force 'til the 31st *March* 1732. [b] 1717, *ch.* 7; hereby continued in Part 'til the 29th *September* 1732.

CHAP. VIII.

Passed 16th June 1730. *An Act to enroll and record an Indenture, between* Matthias Vanbebber *of the one Part, and* Thomas Bordley, *Esq; of the other Part. Lib.* L. N° 5. *fol.* 351. *PR.*

CHAP. IX.

Ditto. *An Act for the Building a Church in* Baltimore *County, and in a Town called* Baltimore-Town, *in* St. Paul's *Parish. Lib.* L. N° 5. *fol.* 353.

N. B. The Act of 1727, *ch.* 10, having impowered the Vestry-men and Church-wardens to purchase one or more Acres of Land, and thereon to build a Parish Church; in Pursuance whereof, Land was purchased but not built on; and the same being very inconvenient, the present Act impowers the Vestry-men and Church-wardens to purchase a Lot in *Baltimore-Town*, and to cause a Church to be built thereon; which shall be the Parish Church of the said Parish, and be called *St. Paul*'s Church. And directs, that the Tobacco to be raised by the aforerecited Act, be applied to the Building a Church in the Town as aforesaid.

CHAP. X.

Ditto. *A Supplementary Act to the Act, entitled, An Act for the Advancement of Justice. Lib.* L. N° 5. *fol.* 355. *EXP.*

To continue in Force as long as the Original Act of 1723, *ch.* 12; which expired in 1740.

CHAP. XI.

Ditto. *An Act for the Naturalization of* John Hendrickson, *a Native of* Rotterdam *in* Holland, *now an Inhabitant of* Kent *County, in* Maryland; *and* John, Samuel, Rachel, Mary, Mildred, Margaret, Martha, Rebeckah, Hannah, *and* Ruth, *Children of the aforesaid* John Hendrickson. *Lib.* L. N° 5. *fol.* 357. *PR.*

CHAP. XII.

Ditto. *An Act to confirm two Deeds of Sale, the one from* George Oldfield *and* Petronella *his Wife, and the other from* Richard Carr, *Son and Heir at Law to a certain* John Carr *of* Cæcil *County, deceased, to* Casparus Augustine Herman. *Lib.* L. N° 5. *fol.* 359. *PR.*

A former Act to the same Purpose 1728, *ch.* 13; but the Deeds being not recorded according to that Act, the present Act allowed Six Months for recording the same.

CHAP. XIII.

Ditto. *An Act to record a Deed of Bargain and Sale, made by* Thomas Humphries, *Esq; and* Mary *his Wife, to* John Gresham, *Esq; Lib.* L. N° 5. *fol.* 360. *PR.*

CHAP. XIV.

Ditto. *An Act to cut off an Entail of a Tract of Land called* Marshe's Seat, *lying in* Ann-Arundel *County; and to invest* William Vernon *with an Estate in Fee-Simple in the said Tract of Land: And to settle a Parcel of Land, being Part of three Tracts of Land called* Happy Choice, Clarke's Groves, *and* The Addition to Clarke's Groves, *lying in* Prince-George's *County, on* Thomas Knighton *and the Heirs of his Body, in Lieu thereof. Lib.* L. N° 5. *fol.* 361. *PR.*

CHAP. XV.

Ditto. *An Act for laying out the Town a-new, commonly called* Chester-Town, *in* Kent *County, and for ascertaining the Bounds thereof. Lib.* L. N° 5. *fol.* 363.

N. B. This Act (1.) Sets forth that a Town was formerly (*viz.* by the Act of 1706, *ch.* 14,) laid out in *Kent* County, on *Chester* River, commonly called *Chester-Town*, or *New-Town*, containing One Hundred Acres of Land; the Bounds whereof were very uncertain, and the Improvement very much hindered, by Reason that all the Lots were not taken up and improved in Time, *&c.* (2.) Appoints and Impowers certain Commissioners to survey and lay out the One Hundred Acres of Land as agreeable, as conveniently may be, to the Original Survey when first laid out for a Town. (3.) The Commissioners, with the Assistance of a skilful Surveyor, some Time before the 1st *November* next, to meet at the Town, and carefully survey and lay out the said One Hundred Acres, into 100 convenient Lots, divided, marked and number'd, from 1, to 100, with Streets, Lanes, *&c.* (4.) The Commissioners to cause the Survey to be made as near as possible to the Original Plan of the Town, unless the Lines by the said original Survey, make any considerable Variation or Encroachment on the Lots therein already improved and built upon: In which Case, the Commissioners to make the same Survey, in such Manner that the Owners of such improved Lots, be not damnified in their Improvements. And to set up Posts, *&c.* to settle and distinguish the same Survey for ever. (5.) The Land so surveyed, *&c.* is hereby erected into a Town, to be called *Chester-Town*. (6.) The Owners of Lots formerly taken up, and not already built on, shall (within Eighteen Months after such Survey made, and a Record thereof entered according to this Act) build on such Lot or Lots, One House, to cover 400 square Feet of Ground, besides Sheds. And any such Owner refusing or neglecting to build as aforesaid, the Right, Title, *&c.* of such Owner to such Lot, at the Expiration of the said Eighteen Months, shall cease and determine; and such Lot shall become the Property

Property of the Proprietor of the Town Land, in as ample Manner as if the same had never been sold or conveyed. (7.) But if the Owners of such Lots be under Age, or out of the Province, at the Time of such Survey, &c. such Owners have Liberty to improve and build, &c. at any Time within Eighteen Months after arriving at Age, or returning into this Province. (8.) The Commissioners to appoint a Clerk, to make fair Record and Entry of all their Proceedings in a Book, to whom the Surveyor shall deliver a fair Plat of the Lots, &c. which Clerk shall transmit to the Clerk of *Kent* County the whole Proceedings of the Commissioners, together with the said Plat, to be lodged amongst the County Records. And upon the Decease, &c. of such Clerk, the Commissioners have Power to appoint another, as often as need shall require. (9.) The Commissioners impowered to agree with the Owner of the said Land, not already taken-up, for the Price of the same, &c. in which Case, when the Lots are laid out, they shall set a Price on each Lot not already taken up, which the Taker-up shall pay. But in case they cannot agree, they are impowered to cause the same to be valued by a Jury; and the Payment of such Sum, as such Lot or Lots shall, by the said Jury be adjudged worth, to the Proprietor aforesaid, or a Tender thereof by Persons desirous to take up such Lot or Lots, and Refusal by such Proprietor, and such Payment, or Tender and Refusal being duly proved by the Oath of one or more lawful Witness or Witnesses, before two of the County Justices, by the Person intending to take up the same, and an Entry or Record thereof made by the Town Clerk, and returned by him to be lodged with the other Proceedings in the County Court Office as aforesaid, shall give such Person, paying or tendering as aforesaid, an absolute Estate in Fee-simple in such Lot; such Persons complying with the other Requisites in this Act mentioned. (10.) There being a Quantity of Land left out, in the original Survey, between the Town Line that runs along the River Side and the Water, convenient to build Ware-houses on; the Commissioners are impowered to lay out the Breadth of 60 Feet from the extremity of the Lots next the River, along the River Side, for a Street; and to divide the Strand, lying between the said Street and the Water, into convenient Lots, distinguishing them by certain Numbers, always extending the Town Streets that lead to the River, through the same Strand, to the Water Side; which Lots, being built upon as before directed, within Eighteen Months after taking up the same, and paid for, or Tender of Payment made as before provided, shall be the Right, Property, and Estate of such Persons so taking up, improving and paying, their Heirs and Assigns for ever. (11.) All Persons to have Liberty to take up and enter Lots in the said Town, for the Space of Twelve Months after Survey thereof: But in case all the Lots should not be taken up within 12 Months after the Survey made, the Proprietor shall be no way divested of his Right to such Lots so not taken up. (12.) The Proprietor of the Land not taken up, to have the Preference of taking up any Five Lots he shall think fit, so that he make his Election within Four Days after the Survey be made. (13.) All Possessors of Lots to pay the Right Honourable the Lord Proprietor One Penny Current Money *per Annum*, for each Lot so taken up, paid for, and built on, for ever: And the Clerk of *Kent* County to transmit yearly to his Lordship's Agent, an Account of all Lots taken up, &c.

CHAP. XV.

CHAP. XVI.

A Supplementary ACT to the Act entitled, * An Act to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governor and Council. *Lib.* L. N° 5. *fol.* 369.

Passed 16th *June* 1730.

* 1721, *ch.* 14.

Preamble.

WHEREAS the Continuance of Actions depending in any of the Courts of Law within this Province, by an Act of Assembly, entitled, *An Act to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governor and Council,* stands limited to Four Courts, and no longer; which, by Experience, is found to be too short a Time in the High Court of Appeals, that Court not being fixed to any particular Days or Times when it shall be held; so that it may happen, that four or more Courts may be held in One Year; which, if any intervening Accident happens to impede a Trial, does not allow a sufficient Time to finish the same:

Appeals may be continued in the High Court of Appeals for two Years from the End of the Appearance Court.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That it shall and may be lawful to and for the Judges in the said High Court of Appeals, as Judges on all Writs of Error, or Appeals, from the Courts of Common Law in this Province, as often as to them shall seem necessary for the better Administration of Justice, to continue any Appeal, or Writ of Error, now depending, or which hereafter shall be depending in the said Court, for the full Term

CHAP. XVI. Term or Time of Two Years, to be compleated from the End of the Appearance Court, and no longer; any Law, Statute, or Uſage to the contrary in any wiſe notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

Paſſed 16th *June* 1730.

An ACT for the Preſervation of the Breed of Wild Deer. *Lib.* L. N° 5. *fol.* 370.

Preamble.

WHEREAS it has been repreſented to this General Aſſembly, that the Species of Deer hath of late Years been very much leſſened, occaſioned principally by the Inhabitants ſhooting, or otherwiſe deſtroying them, during the Time of the Female Deer being with Young; and which evil Practice, if not put a Stop to, may in few Years entirely deſtroy the Species of Deer, to the great Damage of the good People of this Province; For Prevention whereof, it is prayed that it may be Enacted;

Penalty on Perſons killing Deer, (Friend *Indians* excepted) between the 1st *January*, and laſt of *July*.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That it ſhall not nor may be lawful for any Perſon or Perſons within this Province, (the *Indians* in Amity with us excepted) from the End of this Seſſion of Aſſembly, to the laſt Day of *July*, this preſent Year, and in every Year afterwards, between the firſt Day of *January*, and the laſt Day of *July*, to kill any Deer, under the Penalty of Four Hundred Pounds of Tobacco for every Deer ſo killed, to be recovered before a ſingle Magiſtrate, (as in Caſes of ſmall Debts,) by the Oath of the Informer, and to be applied, the one Half thereof to the Uſe of the Public School of the County where ſuch Offence ſhall be committed, the other Half to the Uſe of the Perſon ſo informing.

Penalty on Perſons in whoſe Cuſtody Deer's Fleſh is found within the Time before limited.

III. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That any Perſon, in whoſe Hands or Cuſtody any Deer's Fleſh ſhall be found, that ſhall appear to have been killed between the End of this preſent Seſſion of Aſſembly, and the laſt Day of *July* this preſent Year, and in every Year afterwards, between the firſt Day of *January*, and the laſt Day of *July*, ſhall be deemed, taken, and adjudged to be the Killer of ſuch Deer, and liable to the Penalty aforeſaid, unleſs ſuch Perſon make appear before a Magiſtrate, who it was that really killed the ſame, or from whom ſuch Perſon or Perſons thereof poſſeſſed, received the ſame.

Indians not to kill for Sale, &c. within the Time aforeſaid.

IV. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That it is the true Intent and Meaning of this Act, that the Liberty given to the *Indians* aforeſaid, ſhall extend only to the Killing of Deer for their private Uſe, and not for Sale; and that it ſhall not be lawful for any Inhabitant within this Province, under the Penalty aforeſaid, to be recovered as aforeſaid, for the Uſes aforeſaid, to purchaſe any dead Deer, or any Part thereof, of any *Indian* or *Indians*, within the Time prohibited by this Act to kill Deer in.

The Act of 1729, *ch.* 21. repealed.

V. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That an Act of Aſſembly made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Tenth Day of *July*, *Anno Domini* One Thouſand Seven Hundred and Twenty-nine, entitled, *An Act for the Preſervation of the Breed of Wild Deer*, be, and is hereby repealed, abrogated, and made null and void.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

C H A P. XVIII.

An Act for the Relief of Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, *and* James Mackintosh, *languishing Prisoners in* Ann-Arundel *County Goal*; Thomas Palmer, *a languishing Prisoner in the Goal of the City of* Annapolis; William Gray, Thomas Davis, John Smith, *and* Anthony Onealis, *languishing Prisoners in* Prince George's *County Goal*; *and* John Libby, *and* Alice Macklin, *languishing Prisoners in* Talbot *County Goal*. *Lib.* L. N° 5. *fol.* 371. *PR.* Passed 16th *June* 1730.

C H A P. XIX.

An Act to record and make valid in Law, a Deed from John Watmore, *to a certain* William Dare *the Father, and Sale to be made of certain Lands therein mentioned, by the surviving Executor of* William Dare *the Son*. *Lib.* L. N° 5. *fol.* 377. *PR.* Ditto.

C H A P. XX.

An Act to enable the Clerk of Dorchester *County to deliver a Deed of Bargain and Sale, from the Heir of* Henry Bray *to* William Cornwallis, *unto* Richard Bennet, *Esq; and to enable the Clerk of* Queen-Anne's *County to deliver a Deed of Sale from the Heir of* John Jones *to the said* Cornwallis, *unto the Clerk of* Dorchester *County, and to enable him to record the same*. *Lib.* L. N° 5. *fol.* 379. *PR.* Ditto.

C H A P. XXI.

An Act for cutting off the Entail, and investing an Estate of Inheritance in Fee-simple, of a Tract of Land called Exeter, *in* Henry Wharton *of* St. Mary's *County, Gent. and his Wife; and to entail other Lands, lying in* St. Mary's *County, in lieu thereof*. *Lib.* L. N° 5. *fol.* 381. *PR.* Ditto.

C H A P. XXII.

An Act to ascertain the Fees of Practitioners of the Law within this Province; and to prevent Extortions, Frauds and Abuses therein. *Lib.* L. N° 5. *fol.* 383. *DISSENT.* Ditto.

Proclamation for Publication of the Dissent issued 18th *May* 1731. Recorded *Lib.* P. L. N° 6. *fol.* 518.

C H A P. XXIII.

A Supplementary ACT to the Act, entitled, * An Act for the Establishment of Religious Worship in this Province, according to the Church of *England*, and for the Maintainance of Ministers. *Lib.* L. N° 5. *fol.* 389. Ditto.

* 1702, *ch.* 1.

WHEREAS by the Act, entitled, *An Act for the Establishment of Religious Worship in this Province, according to the Church of* England, *and for the Maintainance of Ministers*, select Vestries in each Parish of this Province are directed to be chosen, in the Manner and with the Qualifications mentioned by the said Act, and Two new Vestry-men annually chosen, in the Place of Two others, who should be left out; but that no Provision is made by the said Act, for obliging such Person or Persons who should be chosen, by virtue of the aforesaid Act, as a Vestry-man or Vestry-men, to serve and act in the Duty and Office of a Vestry-man or Vestry-men, nor any Directions prescribed by the said Act, in what Order or Method the Two Vestry-men, directed by the said Act to be annually left out, should be so left out: Preamble, setting forth the Defects of the original Act.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That if any Person or Persons shall, after this Session of Assembly, be chosen and elected, by virtue of the aforesaid Act, as a Vestry-man or Vestry-men in any Parish of this Province; and being so chosen or elected, shall (after convenient Notice thereof to him or them given, by the Register of the respective Parish or Parishes where Penalty on Persons elected Vestry-men, who refuse or neglect (on Notice) to qualify, *&c.*

CHAP. XXIII.

where he or they ſhall be ſo choſen and elected as aforeſaid) refuſe or neglect to repair to, and be preſent at the next Meeting of ſuch Veſtry or Veſtries, and there qualify him or themſelves as ſuch Veſtry-man or Veſtry-men, without a reaſonable Excuſe, after ſuch Notice given to them as aforeſaid; and Notice of ſuch Meeting to be given to him or them by the ſaid Regiſter, who is hereby directed and required to give ſuch Notice, under the Penalty and Forfeiture of One Thouſand Pounds of Tobacco, that then every Veſtry-man ſo refuſing or neglecting as aforeſaid, ſhall forfeit and pay the Quantity of One Thouſand Pounds of Tobacco. And the Two Veſtry-men mentioned by the ſaid Act, to be annually left out, ſhall, and are hereby directed to be the Two eldeſt Veſtry-men, and which ſaid Two Veſtry-men ſo left out as aforeſaid, or either of them, ſhall not be liable to be choſen, or obliged to ſerve as a Veſtry-man or Veſtry-men, for the Space of Three Years enſuing the Time of their being left out as aforeſaid.

The Regiſter ſhall give ſuch Notice, on Penalty of 1000 lb Tobacco.

The two oldeſt Veſtrymen to be left out annually.

The Veſtry may elect another in the Room of ſuch as refuſe, &c. to ſerve.

III. **And it is hereby further Enacted,** *by the Authority aforeſaid,* That it ſhall and may be lawful, to and for the Veſtry or Veſtries, and they are hereby impowered and directed, to proceed to the Choice and Election of ſome other Perſon or Perſons to be Veſtry-man or Veſtry-men, in the Place or Stead of ſuch Perſon or Perſons ſo choſen Veſtry-man or Veſtry-men, and refuſing or neglecting as aforeſaid; and the former Choice of ſuch Perſon or Perſons as Veſtry-man or Veſtry-men refuſing or neglecting, ſhall be void, and of no Effect.

IV. **And whereas,** by the aforeſaid recited Act, no method of Proſecution is directed for the Recovery of the Fines and Penalties by the ſaid Act impoſed on a Veſtry-man or Veſtry-men, Church-warden or Church-wardens, Regiſter or Regiſters, and every Perſon refuſing or neglecting to regiſter any Birth, Marriage, or Burial; **Be it therefore hereby Enacted,** *by the Authority aforeſaid,* That the Fines and Penalties in the aforeſaid recited Act, mentioned to be impoſed on a Veſtry-man or Veſtry-men, Regiſter or Regiſters, or any other Perſon refuſing or neglecting to regiſter any Birth, Marriage, or Burial, ſhall and may be recovered before any one Juſtice of the Peace for the ſaid County where ſuch Offence ſhall be committed; and one Moiety thereof applied towards defraying the Charge of the Pariſh where the Offence ſhall be committed; and the other Moiety to him, her, or them that ſhall inform of the ſame.

The ſmall Fines impoſed by 1702, *ch.* 1, §. 10, 12, and 14, ſhall be recovered before a ſingle Magiſtrate.

V. **And it is hereby further Enacted,** *by the Authority aforeſaid,* That the Fine or Fines, by this Act impoſed on the Veſtry-man ſo refuſing or neglecting as aforeſaid, and on the Regiſter as aforeſaid, and by the aforeſaid recited Act on the Church-wardens, ſhall and may be ſued for, and recovered in his Lordſhip the Lord Proprietary's Name, by Information, in the Court of the County where ſuch Offence ſhall be committed, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed. The ſame Fine or Fines to be for the Uſe of the Pariſh in which the ſaid Offence or Offences ſhall be committed; and every and each acting Veſtry-man or Regiſter is hereby required to make Information to the next County Court, after ſuch Neglect or Refuſal of the Veſtry-man or Veſtry-men elected as aforeſaid, or Neglect or Refuſal of the ſaid Regiſter as aforeſaid, in order for the Recovery of the Fine or Fines impoſed by this Act. And the Juſtices of the ſaid County Court ſo informed, ſhall and may, and are hereby directed and authorized to order a Proſecution in the Manner aforeſaid, to be had againſt ſuch Veſtry-man or Veſtry-men, Regiſter or Regiſters, Church-warden or Church-wardens, refuſing or neglecting as aforeſaid.

The Fines impoſed by §. 2, of this Act, and on the Church-warden refuſing to ſerve, &c. by 1702, *ch.* 1, §. 14, ſhall be recovered in the County Court.

and the Court to order Proſecution.

VI. **Provided always,** That the Power and Authority by the aforeſaid recited Act, and this preſent Act, given to the Veſtry or Veſtries, for the Election of a Veſtry-man or Veſtry-men, Church-warden or Church-wardens, and

Every acting Veſtry-man or Regiſter is required to inform,

and the Fines and Penalties by this Act, and the aforesaid recited Act, imposed on the Vestry-man or Vestry-men, Register or Registers, Church-warden or Church-wardens, refusing or neglecting the Office and Duty required of them by the aforesaid recited Act, and this present Act, shall not be construed or understood to make any Person or Persons liable to such Choice or Penalties, who shall be publicly known to be of any Profession in Religion different from that of the Church of *England* established by Law; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

CHAP. XXIII. Persons of a Religious Profession different from the Church of *England*, shall not be liable to such Choice or Penalty.

VII. **And be it further Enacted**, That it shall and may be lawful for the several Vestries within this Province, to allow unto the Clerk or Register of each Vestry yearly, any Quantity of Tobacco, not exceeding One Thousand Pounds of Tobacco, for their Services as Clerk or Register of the said Parish; which they may raise, on Application to the County Justices, by an equal Assessment upon the Taxable Inhabitants of the said Parishes; which Justices are hereby directed and impowered, on such Application, to assess the same.

Yearly Allowance to the Register.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

An Act for the Relief of John Smith, *a languishing Prisoner in* Cæcil *County Goal. Lib.* L. N° 5. *fol.* 392. *PR.* Passed 16th *June* 1730.

CHAP. XXV.

An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year One Thousand Seven Hundred and Thirty. Lib. L. N° 5. *fol.* 397. Passed 15th *June* 1730.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 13th, and ended the 29th Day of *July*, in the 17th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1731, were Enacted the following Laws, *viz.* 1731.

BENEDICT LEONARD CALVERT, Esq; Governor.

CHAP. I.

An Act impowering the Justices of Calvert *County Court, to levy on the Taxable Persons of that County, any Sum of Tobacco, not exceeding Ten Thousand Pounds of Tobacco, to pay for the finishing the Court-house of the said County. Lib.* L. N° 5. *fol.* 400. Passed 29th *July* 1731.

CHAP. II.

An Act for the Continuance of [a] *Process in* Baltimore *County Court. Lib.* L. N° 5. *fol.* 401. Ditto.

[a] *Viz.* Of all Writs, Process, &c. which ought to have been determined last *June* Court, till the 1st Tuesday in *November* next, &c. the Small Pox then raging in the Neighbourhood of *Joppa*, which made it very dangerous for the Magistrates and People to meet, &c.

CHAP. III.

An Act to encourage the making of Linen Cloth within this Province, of Flax or Hemp of the Growth thereof. Lib. L. N° 5. *fol.* 403. *EXP.* Ditto.

To continue in Force till the last of *March* 1735; Revived 1735, *ch.* 14; and, with it's Supplementary Act of 1732, *ch.* 11, expired in 1740.

CHAP. IV.

Passed 29th July 1731. *An Act for the Assessment of so much Tobacco, on the Taxable Inhabitants of* Westminster *Parish, in* Ann-Arundel *County, as will build them a new Parish Church, and purchase Two Acres of Land to build the said Church on. Lib.* L. N° 5. *fol.* 405.

CHAP. V.

Ditto. *An Act to supply some Defects in a Deed of Bargain and Sale from* Audry Taylard, *late of* St. Mary's *County, Widow, to* Philemon Hemsley *and* Mary *his Wife, of a Lot or Portion of Ground, lying in* Annapolis, *now in the Possession of the Honourable* Charles Calvert, *Esq. Lib.* L. N° 5. *fol.* 407. *PR.*

CHAP. VI.

Ditto. *An Act to enable the Clerk of the Provincial Court, or the Clerk of* Baltimore *County Court, to record a Deed of Bargain and Sale, from* Thomas Gibson *to* James Kingsbury; *and to make the same Deed valid. Lib.* L. N° 5. *fol.* 409. *PR.*

CHAP. VII.

Ditto. *An Act to record and make valid a Deed of Bargain and Sale, from* James Gold *and* Elizabeth *his Wife, to* William Scot *and* Sarah *his Wife. Lib.* L. N° 5. *fol.* 410. *PR.*

CHAP. VIII.

Passed 21st July 1731. *An Act to prevent the Infection and Spreading of the Small Pox, from a Vessel belonging to* Amos Woodward, *Merchant. Lib.* L. N° 5. *fol.* 411.

At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 19th Day of *August*, and ended the 6th Day of *September*, in the 17th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1731, were Enacted the following Laws, *viz.*

BENEDICT LEONARD CALVERT, Esq; Governor.

CHAP. IX.

Passed 6th Sept. 1731. *An Act for reviving an Act of Assembly, entitled,* [b] *An Act for the Advancement of Justice; and also an Act of Assembly, entitled,* [c] *A Supplementary Act for the Advancement of Justice. Lib.* B.L.C. *fol.* 1. *EXP.*

[b] 1723, *ch.* 12: [c] 1730, *ch.* 10: Both which are hereby continued 3 Years, &c.

CHAP. X.

Ditto. *An Act to remedy defective Probates of Accounts, and giving further Time for Proving Accounts. Lib.* B.L.C. *fol.* 2.

N. B. This Act relates only to Debts due before the 10th *March* 1729; and through Ignorance or Misconception had not been Proved according to the Act of 1729, *ch.* 20; for the Proof of which, Time was hereby given till the 26th *January*, &c.

CHAP. XI.

Ditto. *An Act for the further Assessment of Thirty Thousand Pounds of Tobacco on the Inhabitants of* St. Paul's *Parish, in* Baltimore *County. Lib.* B.L.C. *fol.* 3.

Viz. For finishing *St. Paul's* Church in *Baltimore-Town.*

CHAP.

CHAP. XII.

An Act for reviving an Act of Assembly, entitled, [a] *An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law; and for reviving and continuing the* [b] *Supplementary Act thereto. Lib.* B.L.C. *fol.* 4. *EXP.* Passed 6th Sept. 1731.

[a] 1714, *ch.* 4: [b] 1728, *ch.* 24: Both which are hereby continued 3 Years, &c.

CHAP. XIII.

An Act to supply some Defects in a Deed of Bargain and Sale, from Edward Mitchell, *of* Kent *County, Gent. to* John Ward *of* Cæcil *County, Gent. and from the said* Ward *to* William Ennalls *of* Dorchester *County, Gent. of a Piece of Land called* The Ponds, *lying in* Kent *County aforesaid. Lib.* B.L.C. *fol.* 5. *PR.* Ditto.

CHAP. XIV.

An Act to supply some Defects in a Deed of Bargain and Sale from William Green, *senior, of* Dorchester *County, to Colonel* John Ryder, *of the same* County, *of Three Tracts of Land,* viz. *the One called* Marsh-Island, *One called* Green's Privilege, *and the Other called* Green's Adventure; *all lying and being in the County aforesaid. Lib.* B.L.C. *fol.* 6. *PR.* Ditto.

CHAP. XV.

An ACT to oblige the several Officers, within this Province, to write their Fees in Words at full Length; and for Clerks to deliver Bills of Cost, if required. *Lib.* B.L.C. *fol.* 7. Ditto.

WHEREAS several of the Inhabitants of this Province, have complained, that several of the Officers within this Province, write their Accounts of Fees, in such abbreviated Words, that the People cannot by any Means satisfy themselves for what the said Fees became due: For Prevention whereof for the future; Preamble.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That from and after the End of this present Session of Assembly, all the several and respective Officers within this Province, shall be, and are, by virtue of this Act, obliged to draw out the Particulars of their Fees, in a fair legible Hand, and in Words at full Length; and on Failure thereof, such Officer to lose such Fees so expressed in Words cut off or abbreviated. Officers to draw out their Fees in Words at full Length, or forfeit the same.

III. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That the several Clerks of the several Courts of Record, Register of the Court of Chancery, and Register of the Commissary's Court, within this Province, shall be, and they are hereby obliged to deliver to the Defendants, if required, full Copies, in a fair legible Hand, of all the Costs of Suit recovered against such Defendant; and that if any Clerk or Register shall refuse so to do, he shall forfeit and pay the Sum of Two Thousand Pounds of Tobacco, to be recovered in the County where such Clerk or Register resides; and that one Half be applied to the Use of the Public School in such County, and the other Half to the Informer, that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed. The Clerks and Registers of Courts, to deliver full Copies of Costs to the Defendants, if required. Penalty.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

An Act to supply some Defects in a Deed of Bargain and Sale from Edward Warner, *late of* London *in the Kingdom of* Great-Britain, *deceased, to* William Husbands, *late of* Cæcil *County, deceased, of Two Tracts of Land,* viz. *the One called* Stillington, *the Other called* Chance, *both lying and being in* Cæcil *County. Lib.* B.L.C. *fol.* 8. *PR.* Passed 6th Sept. 1731.

CHAP. XVII.

Passed 16th Sept. 1731.

An Act for Relief of Richard Smith, William Nimmo, George Clagget, William Burſton, James Maſon, John Brooke, *and* Benjamin Hilliard, *languiſhing Priſoners in* Prince George's *County Goal*; William Robertſon, Richard Roper, John Norwood, *and* Richard Simpſon, *languiſhing Priſoners in* Ann-Arundel *County Goal*; Thomas Taylor, *a languiſhing Priſoner in* Baltimore *County Goal*; Edward Hyatt, *and* Robert Lynch, *languiſhing Priſoners in* Kent *County Goal*; Richard Barrow, Thomas Brown, John Clarke, William Auſtin, *and* Robert Cardiff, *languiſhing Priſoners in* Talbot *County Goal*; Thomas Vernal, *a languiſhing Priſoner in* St. Mary's *County Goal*; *and* Daniel Hall, *a languiſhing Priſoner in* Cæcil *County Goal*. *Lib.* B.L.C. *fol.* 10. *PR.*

CHAP. XVIII.

Ditto.

An ACT for eaſing ſundry Inhabitants of this Province, who are Owners of Veſſels, from ſome Difficulties they are put to by an Act, entitled, * A Supplementary Act to the Act, entitled, An Act for laying an Impoſition on Negroes, and ſeveral Sorts of Liquors imported; and alſo on *Iriſh* Servants, to prevent the Importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* B.L.C. *fol.* 16.

* 1720, *ch.* 26.

Preamble.

FORASMUCH as it appears to this General Aſſembly, That the Owner or Owners of any Veſſel belonging to this Province, may, by the Act of Aſſembly aforeſaid, be put to very great Inconveniencies, where they live remote from any Naval Officer, or have Occaſion to make Entry of ſuch Veſſel in any other Port of this Province, than where ſuch Owner or Owners reſide, by their being obliged to go to the Naval Officer of the Port where ſuch Entry is made, to prove their Property in ſaid Veſſel:

An Oath before a County Magiſtrate where the Owners reſide, agreeable to 1720, *ch.* 26, §. 2, and a Certificate thereof, to be as effectual as if made before the Naval Officer.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Oath made by the Owner or Owners of any Veſſel, before a Magiſtrate, in any County where any ſuch Owner or Owners ſhall reſide, agreeable to the Form of the Oath preſcribed by the before mentioned Act, and a Certificate thereof, under the Hand and Seal of the Magiſtrate who ſhall adminiſter the ſame, ſhall be taken and allowed to be as good and effectual, to all Intents and Purpoſes whatſoever, and ſhall entitle the Owner or Owners of ſuch Veſſel, and all others concerned, to the ſame Privileges and Allowances, as if the ſaid Oath had been taken before the Naval Officer of the Port where ſuch Veſſel hath or ſhall be Entered.

Provided the Certificate be delivered before Clearance.

III. **Provided always**, That a Certificate of the taking ſuch Oath, under the Hand and Seal of the Magiſtrate who ſhall take the ſame, ſhall be delivered to the Naval Officer where any Entry is or ſhall be made, ſome Time before the Clearing ſuch Veſſel.

Such Owners reſiding in different Counties may make ſeparate Oaths.

IV. **And whereas** it may happen, that the Owners of a Veſſel may reſide in different Counties in this Province, ſo that they cannot conveniently meet together, to make Oath to their Property, before one Magiſtrate; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That where any Perſon, who, by the Regiſter of any Veſſel, appears to be Part Owner of her, ſhall, before ſome Magiſtrate, make Oath, "

The Form.

That he or ſhe is Part Owner of the "ſaid Veſſel; and that the Perſons who appear by the Regiſter of the ſaid Veſſel to "be Owners of her, are to the beſt of his or her Knowledge, ſole Owners of ſuch "Veſſel; and that he or ſhe verily believes, that no Perſon whatſoever, that is not "an actual Reſident within this Province, hath any Share or Part of the ſaid Veſſel;"

and

and ſhall produce Certificates of having taken ſuch Oaths, under the Hands and Seals of the Magiſtrates, before whom the ſame ſhall be taken, unto the Naval Officer of the Port where ſuch Veſſel ſhall be Entered, ſome Time before the Clearing of ſuch Veſſel, the Owners of the ſaid Veſſel, and all others concerned, ſhall be entitled to the ſame Privileges and Advantages, as if the Owners of the ſaid Veſſel, had made the Oath required by the before mentioned Act, before the Naval Officer of the Port, where ſuch Entry is or ſhall be made; any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding. CHAP. XVIII. Certificate to be produced to the Naval Officer before Clearance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIX.

An Act to prevent the clandeſtine Running or Importation of traſhy and other Tobacco, from the Colony of Virginia, *into this Province. Lib.* B.L.C. *fol.* 17. *EXP.* Paſſed 6th *Sept.* 1731.

To continue in Force 'til the 10th *November* 1735.

CHAP. XX.

An Act to continue and aid the Proceſs and Proceedings in the Provincial Court, and to adjourn the ſaid Court which is to be held in September *next, and on the Thurſday before the Third Tueſday in* October *next, unto the Third Tueſday in* October *next: And to adjourn the Court of Appeals to the firſt Day of the Provincial Court to be held the Third Tueſday of* October *next. Lib.* B.L.C. *fol.* 19. Ditto.

CHAP. XXI.

An Act to make and emit Thirty-ſix Thouſand Pounds Current Money of Maryland, *in Bills of Credit; and for eaſing the Inhabitants of this Province, and to raiſe a Fund to ſink the ſaid Bills of Credit. Lib.* B.L.C. *fol.* 21. Ditto.

N. B. By the concluding Clauſe of this Act, it was Provided, That no Part or Clauſe of this Act ſhould have Effect, or be put in Execution, until ſuch Time as the Approbation of his Lordſhip the Lord Proprietary of this Province thereto ſhould be publiſhed and declared; which being never done, this Act *never was in Force.* A new Act for emitting £. 90,000 in Bills of Credit paſſed 1733, *ch.* 6.

CHAP. XXII.

An Act impowering a Committee to lay, aſſeſs, and apportion the Public Levy for this preſent Year One Thouſand Seven Hundred and Thirty-one. Lib. B.L.C. *fol.* 32. Ditto.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 11th Day of *July*, and ended the 8th Day of *Auguſt*, in the 18th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1732, were Enacted the following Laws, *viz.* 1732.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

An Act for the Trial of all Matters of Fact in the ſeveral Counties where they have ariſen, or ſhall ariſe; the Continuance of Cauſes in the Provincial Court, and Adjournment of that Court. Lib. B.L.C. *fol.* 34. *EXP.* Paſſed 31st *July* 1732.

To be in Force 3 Years, &c. Farther continued by 1736, *ch.* 22; and expired in 1740.

CHAP.

CHAP. II.

Passed 8th *August* 1732.

An Act for the [a] *Relief of* Anne Osburn, *of* St. Mary's *County*. *Lib.* B.L.C. *fol.* 39. PR.

[a] *Viz.* 600lb Tobacco given her in the County Levy, for a Negro (sent by her to work on the Highway, on Summons of the Overseer) who was killed by the Fall of a Tree.

CHAP. III.

Ditto.

An Act to prohibit raising of Swine, Sheep and Geese, in the Town of Chester *in* Kent *County*. *Lib.* B.L.C. *fol.* 40.

By this Act, (1.) No Inhabitants of *Chester-Town*, on any Pretence whatsoever, shall keep any Swine, Sheep or Geese, belonging to themselves or others, unless within their own Inclosures. (2.) Persons transgressing this Act, shall pay 100lb Tobacco for each Transgression; to be levied by Way of Execution, as in case of small Debts, and applied to the Use of the Free-School of *Kent* County.

CHAP. IV.

Passed 24th *July* 1732.

An Act for preventing Bribery and Corruption in the Elections of Citizens or Delegates, to serve in Assembly for the City of Annapolis. *Lib.* B.L.C. *fol.* 40. *DISSENT.*

His Lordship's Dissent bears Date the 23d *Jan.* 1732; and is recorded *Lib.* P. L. N° 8. *fol.* 126.

CHAP. V.

Passed 31st *July* 1732.

An ACT for ascertaining the Form of the Oath of Judge or Justice. *Lib.* B.L.C. *fol.* 41.

Preamble.

WHEREAS the Oath of Judge or Justice (appointed to be taken by the Statute of the Eighteenth of *Edward* the Third) does not, in many Particulars, provide for the Constitution of this Province;

The following Oath of Office to be taken by all Judges, &c.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That at some convenient Time, after the End of this present Session of Assembly, and before the last Day of *November* next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgment and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of *Annapolis*, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, *viz.*

Oath of a Judge or Justice:

" *You shall Swear, That as a Justice of the Provincial Court of* Maryland, " *in all Articles of his Lordship's Commission to you directed, you shall do equal* " *Law and Right to all the King's Subjects, Rich and Poor, according to the Laws,* " *Customs, and Directions of the Acts of Assembly of this Province, so far forth* " *as they provide; and where they are silent, according to the Laws, Statutes,* " *and reasonable Customs of* England, *as used and practised within this Province;* " *and not delay any Person of common Right, for any Cause or Pretence whatso-* " *ever. And in case any Letters, or other Commandments, shall come to you, con-* " *trary to Law, that you do nothing by them, but cause them to be entered on Re-* " *cord, and certify the King, the Lord Proprietary, or the Governor (for the* " *Time being) of them, and proceed to execute the Law, notwithstanding the same* " *Letters or Commandments. That you shall hold your Courts according to the* " *Acts of Assembly, and the Directions in your Commission. That you shall do* " *and procure the Profit of the Lord Proprietary, in all Things where you may* " *lawfully and reasonably do the same. And that you shall not debar or hinder the* " *Prosecution of Justice, nor take any Gift, Bribe or Fee, for delaying or render-* " *ing Judgment; but shall behave yourself Justly, Honestly and Faithfully, to the* " *best of your Knowledge and Understanding, so long as you shall continue in the* " *said Office.* So help you GOD."

III. **And be it likewise Enacted**, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County

County Courts, and the Mayor, Recorder and Aldermen of the City of *Annapolis*, for the Time being, as their proper Oath of Office to be administered, as hath been heretofore used; and that the same be administered to the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of *Annapolis*, now in being, by Virtue of, and according to the Directions of the several Commissions, Writs of *Dedimus Potestatem*, or the other Authorities, that the late Form of their Oath of Office was administered by: And that after the last Day of *November* next, none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, nor the Justices of the Provincial or County Courts, nor the Mayor, Recorder, and Aldermen of the City of *Annapolis*, be capable of Acting in their respective Stations, without having first taken the said Oath, as their proper Oath of Office, in Manner aforesaid.

CHAP. V.

To be administered as hath been heretofore used;

and taken, before they shall be capable of acting in their respective Offices.

IV. **Provided**, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Assize, County Courts, and Mayors Court of *Annapolis*, take the said Oath, at any Time before they proceed to the Judicial Determination of any Matters of Law, in their respective Courts, the same shall be taken as a full Compliance with the Directions of this Act; any Thing herein before contained to the contrary notwithstanding. Proviso.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

An Act for the erecting a Town on the South Side of Chester *River, in* Queen-Anne's *County, for laying in Lots Sixty Acres of Land at the Mouth of the South-East Branch, on the South Side thereof, on a Point of Land known by the Name of* Hawkins's Prize-House Point. *Lib.* B.L.C. *fol.* 42. Passed 8th *August* 1732.

N. B. By this Act, (1.) Commissioners were impowered to purchase (by Agreement or Valuation of a Jury) 60 Acres of Land in the Tract aforesaid, lying most convenient to the Water, and to cause the same to be Surveyed and Laid out into 60 Lots, allowing convenient Space for Streets, Lanes, *&c.* to be laid out into a Town. (2.) The Owner of the Land to have the first Choice for one Lot, and afterwards the remaining Lots to be taken up by others. None to purchase more than one Lot during four Months after laying out, and the Lots to be purchased by Inhabitants of the County. But if all the Lots be not taken up by such Inhabitants in Six Months, then such Lots may be taken up by any others, paying the Owners of the Land proportionably for the same: And in case of Valuation of the Land by a Jury, the Sum by such Jury adjudged to be paid the Owners of the Land, being paid by Persons taking up Lots, proportionably to their Lots, shall give such Purchasers, their Heirs and Assigns, an absolute Estate in Fee-simple to such Lots, they complying with the Requisites in this Act mentioned. (3.) The Takers up of any Lots refusing or neglecting to build thereon, within 18 Months, an House to cover 400 Square Feet; any other Person whatsoever may enter upon such Lot, so as aforesaid not built on, paying to the Commissioners, or Person by them appointed to receive the same, the Sum first set upon such Lot, for the Public Use and Benefit of the Town; Provided such second Taker-up build and finish within 18 Months after such his Entry made, such House as by this Act is before limited: Which House, so built, shall give and settle as good an Estate to such second Taker-up, his Heirs and Assigns, as is by this Act before settled on the first Taker-up and Builder. (4.) Lots not taken up in 7 Years from the Publication of this Act, shall be vested in the first Owner, as in his first and former Estate. (5.) The Town to be called *Ogle-Town upon Chester*. (6.) The Commissioners to appoint a sufficient Clerk, who upon Oath shall make true and impartial Entries of their Proceedings, which Entries, made up in a well bound Book, they shall cause to be lodged with the Clerk of *Queen-Anne*'s County Court, for the Inspection of any Person requiring it: And the Surveyor to return a Plat of the Town, to the County Clerk, to be kept by him among the County Records. (7.) A saving of Rights to the Crown, the Lord Proprietor, *&c.* (8.) Possessors of Lots to pay to his Lordship, Yearly, One Penny Current Money of *Maryland* for each Lot.

CHAP. VII.

An Act for the Naturalization of Onorio Rozilini *of* Annapolis. *Lib.* B.L.C. *fol.* 44. *PR.* Ditto.

CHAP. VIII.

An Act to prevent cutting up Tobacco Plants, destroying of Tobacco and Tobacco Houses, and for ascertaining the Punishment of Criminals Guilty of the said Offences. Lib. B.L.C. *fol.* 44. *EXP.* Ditto.

To be in Force for 3 Years, *&c.* continued 1736, *ch.* 5; and 1740, *ch.* 5; expired in 1744, when a new Act was made, *ch.* 5.

CHAP.

CHAP. IX.

Passed 8th *Auguſt* 1732.

An ACT for reviving an Act for deſtroying Bears in *Somerſet* County. *Lib.* B.L.C. *fol.* 45.

The Act of 1728, *ch.* 12, revived, and continued in full Force, without Limitation.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Act, entitled, *An Act for deſtroying Bears in* Somerſet *County,* made at a Seſſion of Aſſembly begun and held at the City of *Annapolis,* the Third Day of *October,* in the Year of our Lord One Thouſand Seven Hundred and Twenty-eight, be, and is hereby revived and continued to be and remain in full Force, Power and Virtue.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. X.

Ditto. *An Act to enable the Clerk of the Provincial Court, or the Clerk of* Baltimore *County Court, to Record a Deed of Bargain and Sale, from* Benoni Fanning *and* Hannah *his Wife, to* John Contee; *and to make the ſame Deed valid. Lib.* B.L.C. *fol.* 45. *PR.*

CHAP. XI.

Ditto. *A Supplementary Act to the Act, entitled,* [b] *An Act to encourage the making of Linen Cloth within this Province, of Flax or Hemp of the Growth thereof. Lib.* B.L.C. *fol.* 45. *EXP.*

[b] 1731, *ch.* 3; which, together with this Act, was continued by 1735, *ch.* 14; and both expired in 1740.

CHAP. XII.

Ditto. *An Act for the Aſſeſſment of One Hundred Thouſand Pounds of Tobacco, on the Taxable Inhabitants of* Chriſt-Church *Pariſh, in* Calvert *County, for the Building of a Church and Veſtry-Room; and for the Purchaſing Two Acres of Land. Lib.* B.L.C. *fol.* 46.

CHAP. XIII.

Ditto. *An Act for laying an Impoſition on Tobacco by the Hogshead, for Support of Government, and for Payment of his Lordſhip's Quit-Rents and Alienation Fines; for the* [c] *Time therein mentioned. Lib.* B.L.C. *fol.* 47. *EXP.*

[c] From the 29th *September* next, to the 29th *September* 1733.

CHAP. XIV.

Ditto. *An Act for erecting a Town on a Creek, divided on the Eaſt from the Town lately laid out in* Baltimore *County, called* Baltimore-Town, *on the Land whereon* Edward Fell *keeps Store. Lib.* B.L.C. *fol.* 47.

N. B. By this Act, (1.) Commiſſioners were appointed and impowered to purchaſe (by Agreement with the Owner, or in caſe of ſuch Owner's Refuſal, *&c.* by Valuation of a Jury) Ten Acres of Land out of the ſaid Tract, lying moſt convenient to the Water, and to lay out the ſame into 20 Lots, *&c.* to be Numbered from One to Twenty, for better Diſtinction thereof. (2.) The Surveyor to return a Plat of the ſaid Town, to the County Clerk, to be by him kept among the County Records. (3.) The Owner of the Land to have his firſt Choice for one Lot, after which Choice, the remaining Lots to be taken up by others: No Perſon to purchaſe more than one Lot during the firſt Four Months after laying out; nor any other than Inhabitants of the County, to take up Lots within Six Months; after which Time, any Perſons whatſoever to have Liberty of taking up Lots: And the Payment of the proportionable Sum agreed for (or aſſeſſed by the Jury) to the Owners, for any Lot or Lots, ſhall give the Purchaſers, their Heirs and Aſſigns, an abſolute Eſtate of Fee-ſimple therein, he or they complying with the Requiſites in this Act mentioned. (4.) If the Taker-up of any Lot, refuſe or neglect to Build thereon within 18 Months, a Houſe to cover 400 Square Feet, it ſhall then be lawful for any other Perſon to enter upon ſuch Lot, ſo not built upon, paying the Sum firſt ſet upon ſuch Lot to the Commiſſioners, or Perſon by them appointed to receive the ſame, for the Public Uſe and Benefit of the Town: And ſuch ſecond Taker-up ſhall, within 18 Months after ſuch his Entry made, build and finiſh ſuch Houſe as by this Act is before appointed; which Houſe ſo built, ſhall ſettle as good an Eſtate to ſuch ſecond Taker-up, his Heirs, *&c.* as by this Act is before ſettled upon the firſt Taker-up and Builder. (5.) Any of the ſaid Lots neglected to be taken up during Seven Years after the Publication of this Act, ſhall revert to the Owner of the Land, who ſhall thenceforth be poſſeſſed and intereſted therein, as in his firſt and former Eſtate. (6.) The Town to be called *Jonas-Town.* (7.) The Commiſſioners to appoint a ſufficient Clerk, who ſhall, upon Oath, make true and impartial Entries of their Proceedings; which Entries they ſhall cauſe to be made up in a well bound Book, and lodged with the Clerk of *Baltimore* County Court, for the Inſpection of any Perſon. (8.) A ſaving of Rights to the Crown,

Crown, the Lord Proprietor, &c. (9.) Poſſeſſors of Lots to pay One Penny Current Money *per Annum*, to the Lord Proprietary and his Heirs for ever. CHAP. XIV.

See the Supplementary Act of 1745, *ch.* 9, whereby this Town is incorporated with *Baltimore-Town*.

CHAP. XV.

An Act for the erecting a Town at the Head of Wiccomoco *River, in* Somerſet *County, for laying into Lots Fifteen Acres of Land in the Fork thereof, and at the Landing commonly now called* Handy's, *or* Carr's, Landing. *Lib.* B.L.C. *fol.* 49. Paſſed 8th *Auguſt* 1732.

N. B. By this Act, (1.) Commiſſioners impowered to purchaſe, &c. Fifteen Acres, Part of a Tract of Land at the Head of *Wiccomoco* River, in a Fork thereof, now in Poſſeſſion of *William Winder*, a Minor, commonly known by the Name of *Pemberton's Good-Will*, lying moſt convenient to the Water, and to cauſe the ſame to be ſurveyed and laid out into 20 Lots, allowing ſufficient Space for Streets, &c. with Poſts towards every Street, &c. and the Lots for better Diſtinction, to be Numbered from One to Twenty. (2.) The Owner to have his Choice for two Lots, after which the remaining Lots to be taken up by others: No Perſon to take up more than one Lot during Four Months after laying out the Town, and the Lots to be taken up by Inhabitants of the County; but if all the Lots be not taken up by ſuch Inhabitants in Six Months, then any other Perſons to be at Liberty to take up the ſame, paying the Owner proportionably for the ſame: And ſuch proportionable Payment ſhall give the Purchaſers of ſuch Lots, their Heirs and Aſſigns, an abſolute Eſtate of Fee-ſimple therein, they complying with the Requiſites in this Act mentioned. (3.) The Surveyor to return a Plat of the Town to the County-Clerk to be by him kept among the County Records. (4.) Takers-up of Lots refuſing or neglecting to build thereon within 18 Months, an Houſe to cover 400 Square Feet; ſuch Lots, ſo not built upon, may be taken up by any other Perſon, paying the Sum firſt ſet on ſuch Lot to the Commiſſioners, or Perſon by them appointed to receive the ſame, for the Public Benefit of the Town. And ſuch Houſe, as in this Act is before limited and appointed, being built within 18 Months by ſuch ſecond Taker-up, ſhall give him, his Heirs, &c. as good an Eſtate therein, as is by this Act ſettled upon the firſt Taker-up and Builder. (5.) Lots not taken up during Seven Years next after Publication of this Act, ſhall revert to the firſt Owners of the Land. (6.) The Town to be called *Saliſbury-Town*. (7.) The Commiſſioners to employ a ſufficient Clerk; who, upon Oath, ſhall enter all their Proceedings; which Entries, made up in a well bound Book, ſhall be lodged with the Clerk of *Somerſet* County Court, for the Inſpection of any Perſon. (8.) A Saving of Rights to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all others not mentioned in this Act. (9.) Poſſeſſors of Lots to pay One Penny Current Money *per Annum* to his Lordſhip and his Heirs for ever. (10.) The aforeſaid *William Winder* to have Liberty to build, &c. upon the two Lots choſen for him, ſo as the ſame be finiſhed within 18 Months after his Arrival at full Age, &c.

CHAP. XVI.

An Act to repeal an Act, entitled, [d] *An Act for the Relief of the Deviſees of* James Phillips *the Elder, and* Anthony Phillips, *late of* Baltimore *County, deceaſed. Lib.* B.L.C. *fol.* 50. *PR.* Ditto.

[d] 1724, *ch.* 15.

CHAP. XVII.

An ACT to encourage Adventurers in Iron-Works. *Lib.* B.L.C. *fol.* 52. Paſſed 8th *Auguſt* 1732.

Explanatory Act 1736, *ch.* 17; See alſo 1750, *ch.* 14.

WHEREAS the making of Iron within this Province, will be advantageous to the Trade of *Great-Britain*, as well as beneficial to the People of *Maryland*; Preamble.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That no White Man, who ſhall be employed in any Manner about Iron-Works, or in providing any Materials of any Nature or Kind ſoever, for the Furtherance and Carrying on any Iron-Work, or making of Iron, ſhall be obliged to attend at Muſters, except upon very extraordinary Occaſions. And that no White Man or Slave ſo employed, ſhall be obliged to clear, or aſſiſt in clearing, any [e] Highways or Roads, or in building of any Bridge or Bridges. White Men employed about Iron-Works, ſhall not be obliged to attend Muſters, except on very extraordinary Occaſions,

[e] The Explanatory Act of 1736, *ch.* 17, reſtrained the Exemption from aſſiſting on the Public Roads, to ſuch only as were conſtantly employed in carrying on Iron-Works. But by 1750, *ch.* 14, Owners, &c. of Iron-Works are obliged to ſend one out of every Ten Perſons employed in ſuch Works, to aſſiſt upon the Highways, &c.

III. **Provided always,** That no White Man or Slave, who ſhall be employed in making Tobacco, ſhall have any Exemption. unleſs employed in making Tobacco.

CHAP. XVII.

Penalty on Ordinary-Keepers, &c. harbouring the Workmen, &c. without Leave.

IV. And be it further Enacted, *by the Authority aforesaid*, That if any Ordinary-Keeper, Victualler, or Public-House-Keeper, shall, without Licence first had and obtained in Writing, from the Owner or Owners, or principal Manager of any Iron-Work, harbour or entertain any Person who shall be hired or employed in any Manner about any Iron-Work, or give them Credit for any Liquor, or other Accommodations, exceeding the Value of Five Shillings Current Money, in any One Year; every Ordinary-Keeper, Victualler, or Public-House-Keeper, so offending, shall be liable and subject to the same Losses, Pains and Penalties, as are provided against entertaining, harbouring, and trusting Sailors, by an Act, entitled, ' *An Act restraining Victuallers, and Keepers of Public Houses from entertaining Sailors, to the prejudice of Trade and Commerce.*

[f] 1712, *ch.* 10.

Persons so entertained may give Evidence.

V. And be it further Enacted, *by the Authority aforesaid*, That any Person so entertained, and being a legal Witness, shall be admitted and received as a Witness, in any Suit or Controversy concerning any Offence against this Act, or concerning any Claim or Demand of any Ordinary-Keeper, for Expences.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVIII.

Passed 8th *August* 1732.

An Act for the erecting a Town in Queen-Anne's *County, on* Chester *River, opposite to* Chester-Town, *in* Kent *County, on the Land possessed by* John Dempster. *Lib.* B.L.C. *fol.* 52.

N. B. By this Act, (1.) Commissioners impowered to purchase by Agreement, or (in case of the Owner's Refusal, *&c.*) by Valuation of a Jury, 30 Acres of Land out of the said Tract, lying most convenient to the Water, and to cause the same to be surveyed and laid out for a Town, and divided into 30 Lots, allowing sufficient Space for Streets, *&c.* and the Lots to be Numbered from 1, to 30, for better distinguishing one from another. (2.) The Owner of the Land to have the first Choice for one Lot, after which the remaining Lots to be taken up by others. None to take up more than one Lot during the first 4 Months, and the Lots to be taken up by Inhabitants of the County; but if not all taken up by such Inhabitants within Six Months after laying out, then any Persons whatsoever may take up such Lots, paying the Owners proportionably for the same. And such proportionable Payment shall give the said Purchasers, their Heirs and Assigns, an absolute Estate of Fee-simple in the said Lots, they complying with the Requisites in this Act mentioned. (3.) The Surveyor to return a Plat of the Town to the Clerk of *Queen-Anne*'s County, to be by him kept among the County Records. (4.) The Takers-up of Lots to build on such Lot or Lots, an House to cover 400 square Feet, within 18 Months; and in case of Refusal or Neglect thereof, then may any other Person whatsoever, enter upon such Lot or Lots not built upon, paying the Sum first set and assessed upon such Lot, to the Commissioners, or Person by them appointed to receive the same, for the public Use and Benefit of the Town. And such second Taker-up building and finishing, within 18 Months after such his Entry made, such House as is in this Act before limited, shall have as good an Estate, to him, his Heirs and Assigns, as is by this Act before settled on the first Taker-up and Builder. (5.) All Lots not taken up within Seven Years from the Publication of this Act, shall revert to the Owner of the Land. (6.) The Town to be called *Kings-Town*. (7.) The Commissioners to employ a sufficient Clerk, upon Oath, to make true and impartial Entries of their Proceedings; which Entries, made up in a well bound Book, they shall cause to be lodged with the Clerk of *Queen-Anne*'s County Court, for the Inspection of any Person. (8.) A Saving of Rights to the Crown, the Lord Proprietary, *&c.* (9.) Possessors of Lots to pay One Penny Current Money *per Annum* to the Lord Proprietary, and his Heirs for ever.

CHAP. XIX.

Ditto.

An Act to prohibit raising of Swine in Upper-Marlborough-Town, *in* Prince George's *County*. *Lib.* B.L.C. *fol.* 53.

N. B. By this Act, (1.) No Inhabitant of the said Town, shall, on any Pretence whatsoever, keep within the said Town any Swine, belonging to themselves, or any other Person, unless within their own Inclosures. (2.) Persons convict before any Magistrate of transgressing herein, shall pay 100 lb Tobacco for each Transgression, to be levied by Execution on the Body, Goods, *&c.* of the Offender, as in case of small Debts; to be applied to the Use of the Free-School of the County.

CHAP. XX.

Ditto.

An Act reviving and continuing an Act of Assembly of this Province, entitled, [g] *An Act for the better Relief of poor Debtors*. *Lib.* B.L.C. *fol.* 54. *EXP.*

[g] 1722, *ch.* 13; hereby continued 3 Years, *&c.*

CHAP.

CHAP. XXI.

An Act for laying out a-new Fifteen Acres of Land, Part of the One Hundred Acres of Land formerly erected into a Town, commonly called Benedict-Leonard-Town, *upon* Patuxent *River, in* Charles *County, besides the Lots which have been already taken up, pursuant to the Directions of former Laws: And to restrain the Inhabitants from keeping any Stock, except within their Inclosures in the said Town. Lib.* B.L.C. *fol.* 54.

Passed 8th *August* 1732.

N. B. The Bounds of the 100 Acres formerly laid out for a Town by the Act of 1683, *ch.* 5, and confirmed by 1706, *ch.* 14, being very uncertain, *&c.* and the said 100 Acres being thought to be by far too much for that Place; by this Act, (1.) Commissioners are impowered to purchase, *&c.* 15 Acres of Land, out of the Tract aforesaid, lying most convenient to the Water, to be added to the Lots already taken up; and to survey and lay out the same, into 20 Lots, allowing sufficient Space for Streets, *&c.* with Posts towards every Street, *&c.* and the Lots, for better Distinction, to be Numbered from 1, to 20. (2.) The Owner of the Land to have the first Choice for one Lot, after which the remaining Lots to be taken up by others: No Person to take up more than one Lot within the 15 Acres during the first four Months, and the Lots to be purchased by Inhabitants of the County: But if not taken up by such Inhabitants within Six Months after Laying-out, then any Persons whatsoever to be at Liberty to take up such Lots, paying the Owners proportionably for the same. And such proportionable Payment shall give the Purchasers, their Heirs and Assigns, an absolute Estate of Fee-simple in the said Lots, they complying with the Requisites in this Act mentioned. (3.) The Surveyor to return a Plat of the Town to the County Clerk, to be by him kept among the County Records. (4.) In case the Takers-up of Lots refuse or neglect to build thereon, within 18 Months, an House to cover 400 square Feet, exclusive of Sheds, then it shall be lawful for any other Persons to enter upon such Lots, so as aforesaid not built on, paying to the Commissioners, or Person by them appointed to receive the same, the Sum first set and assessed upon such Lot, for the public Use and Benefit of the Town; and the building and finishing, within 18 Months after such Entry made, such House as in this Act is before appointed to be built by the first Taker-up, shall give as good an Estate to such second Taker-up and Builder, his Heirs and Assigns, as is by this Act settled upon the first Taker-up and Builder. (5.) Lots not taken up within Seven Years next after Publication of this Act, shall revert to the Owner of the Land. (6.) The Town to be called *Benedict-Leonard-Town*. (7.) The Commissioners to employ a sufficient Clerk, who (upon Oath) shall make true and impartial Entries of their Proceedings; which Entries, made up in a well bound Book, shall be lodged with the Clerk of *Charles* County, for the Inspection of any Person. (8.) No Inhabitants of the Town, shall keep within the same, any Swine, Geese, Sheep, Cattle or Horses, belonging to themselves, or any other Persons whatsoever, unless within their own Inclosures; and Persons convicted thereof, before a single Magistrate, shall pay 100lb Tobacco for each Transgression, to be levied by way of Execution on the Offender's Body, Goods, *&c.* and applied to the Use of the County Free-School. (9.) A Saving of Rights to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all Others not mentioned in this Act. (10.) Possessors of Lots to pay One Penny Current Money, *per Annum*, for each Lot, to his Lordship and his Heirs for ever.

CHAP. XXII.

A Supplementary ACT to the * Act for Stay of Execution after the Tenth of *May*. *Lib.* B.L.C. *fol.* 56.

Ditto.

* 1715, *ch.* 33.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That where any Execution or Executions have been already issued before the Tenth of *May* last, or shall be issued before the Tenth of *May*, in any Year, against the Body or Goods of any Person or Persons, inhabiting within this Province; and the Person or Persons against whom such Execution or Executions have issued, or shall hereafter issue, were not, nor shall not be taken, by virtue of the said Execution or Executions, 'til after the Tenth of *May*, in any Year, that in all such Cases, it shall and may be lawful for the Person or Persons whose Body or Goods so taken, by virtue of such Execution or Executions as aforesaid, to supersede the same, in the same Manner as he, she, or they, might or could do, if in case the Execution or Executions had issued, or were to issue, after the Tenth of *May*, in any Year; any Law, Usage or Custom to the contrary notwithstanding.

Persons not taken in Execution 'til after the 10th of *May*, may supersede as if such Execution had issued after the 10th of *May*.

Examined and Compared with the Original Act, Reverdy Ghiselin, Thomas Bacon.

CHAP. XXIII.

Passed 8th *August* 1732.

An ACT repealing Part of an Act, entitled, * An Act laying an Impoſition on Negroes, and on ſeveral Sorts of Liquors imported; and alſo on *Iriſh* Servants, to prevent the Importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* B.L.C. *fol.* 56.

* 1715, *ch.* 36.

Such Part of the Act of 1715, *ch* 36, (*viz.* §. 7,) whereby any Impoſition is laid on *Iriſh* Servants being Proteſtants, is repealed.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That ſuch Part of the ſaid recited Act, or any other Act of Aſſembly of this Province, wherein, or whereby, any Duty or Impoſition is laid on any *Iriſh* Servants being Proteſtants, upon, or by reaſon of their Importation into this Province, ſhall be, and by virtue of this Act, is abrogated and repealed.

No Duty to be paid on Importation of Proteſtants.

II. And that no Duty or Impoſition hereafter, ſhall or ought to be paid, for or upon the Importation of any Proteſtant or Proteſtants from the Kingdom of *Ireland*, or elſewhere, into this Province.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

Paſſed 8th *Auguſt* 1732.

An Act for erecting a Town at the Bridge near the Head of Great-Choptank *River, in* Dorcheſter *and* Queen-Anne's *Counties. Lib.* B.L.C. *fol.* 57.

N. B. By this Act, (1.) Commiſſioners were impowered to purchaſe, *&c.* 20 Acres of Land in each County aforeſaid, at *Choptank* Bridge, lying moſt convenient to the River, and cauſe the ſame to be ſurveyed and laid out into 40 equal Lots, allowing ſufficient Space for Streets, *&c.* with Poſts towards every Street, *&c.* and the Lots for better Diſtinction, to be Numbered from One to Forty. (2.) The Owner of the Land on each Side, to have his firſt Choice of one Lot, after which the remaining Lots to be taken up by others: No Perſon to purchaſe more than one Lot during the firſt Four Months, and the Lots to be purchaſed by the Inhabitants of the reſpective Counties: But if the Lots be not taken up by ſuch Inhabitants within Six Months, then any other Perſons to have Liberty to take up the ſame, paying the Owner proportionably. And ſuch proportionable Payment ſhall give the Purchaſers, their Heirs and Aſſigns, an abſolute Eſtate in Fee-ſimple in the ſaid Lots, they complying with the Requiſites in this Act mentioned. (3.) The Surveyor to return a Plat of the Town to the Clerk of each County, to be by them kept among the Records of the ſaid Counties. (4.) In caſe the Takers-up of Lots neglect to build thereon within 18 Months, an Houſe to cover 400 Square Feet, then may any Perſon whatſoever enter upon ſuch Lots ſo not built upon, paying the Sum firſt ſet and aſſeſſed upon ſuch Lots to the Commiſſioners, or Perſon by them appointed to receive the ſame, for the Public Uſe and Benefit of the Town. And a Houſe (ſuch as in this Act is before limited and appointed to be built by the firſt Taker-up) built within 18 Months after ſuch his Entry made, ſhall give and ſettle as good an Eſtate to ſuch ſecond Taker-up and Builder, his Heirs and Aſſigns, as is by this Act ſettled upon the firſt Taker-up and Builder. (5.) Lots not taken up within 7 Years after Publication of this Act, ſhall revert to the Owner of the Land. (6.) The Town to be called *Bridge-Town*. (7.) The Commiſſioners to employ a ſufficient Clerk, who (upon Oath) ſhall make true Entries of their Proceedings, which Entries made up in a well bound Book, they ſhall cauſe to be lodged with the Clerk of *Queen-Anne*'s County Court, for the Inſpection of any Perſon. (8.) A ſaving of Rights to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all Perſons not mentioned in this Act. (9.) Poſſeſſors of Lots to pay One Penny Current Money of *Maryland*, *per Annum*, to his Lordſhip and his Heirs for each Lot, for ever.

CHAP. XXV.

Ditto. *An Act aſcertaining the Gauge and Tare of Tobacco Hogsheads. Lib.* B.L.C. *fol.* 58. *EXP.*

To be in Force 'til the 29th *September* 1733.

CHAP. XXVI.

Ditto. *An Act to explain Part of an Act, entitled,* [h] *An Act for the Advancement of Juſtice. Lib.* B.L.C. *fol.* 60.

[h] 1723, *ch.* 12, which expired in 1740.

CHAP. XXVII.

Ditto. *An Act for the ſpeedy Recovery of ſmall Debts, out of Court, before a ſingle Juſtice of the Peace. Lib.* B.L.C. *fol.* 61. *EXP.*

To be in Force 3 Years, *&c.* Continued 1736, *ch.* 1; 1742, *ch.* 2; and 1746, *ch.* 6; and expired in 1750.

CHAP.

CHAP. XXVIII.

An Act for the Assessment of Sixty Thousand Pounds of Tobacco, on the Taxable Inhabitants of Durham *Parish, in* Charles *County, for the Building a Church. Lib.* B.L.C. *fol.* 62. Passed 8th *August* 1732.

CHAP. XXIX.

An Act for the Assessment of so much Tobacco on the Inhabitants of St. Paul's *Parish in* Prince-George's *County, as will build them a new Parish Church, and Chapel of Ease. Lib.* B.L.C. *fol.* 62. Ditto.

CHAP. XXX.

An Act for raising a Duty of Three Pence per Hogshead, on all Tobacco exported out of this Province, for the Uses therein mentioned. Lib. B.L.C. *fol.* 63. *EXP.* Ditto.

To be in Force till the 29th *September* 1733: Continued 1733, *ch.* 11, and 1736, *ch.* 2; Expired the 29th *September* 1739. Three Half Pence of this Duty was applied to the Public School, and Three Half Pence to the Governor.

CHAP. XXXI.

An Act for laying an Imposition of Three Pence per Hogshead on all Tobacco to be exported out of this Province, for the [1] *Time therein mentioned. Lib.* B.L.C. *fol.* 63. *EXP.* Ditto.

[1] *Viz.* From 29th *September* 1732, to 29th *September* 1733, to be applied and disposed of in such Manner, as shou'd thereafter be directed and appointed by the Governor and the Two Houses of Assembly: And was accordingly applied for the purchase of Arms and Ammunition in 1735, *ch.* 22.

CHAP. XXXII.

An Act for the Relief of Alexander Sims, *and* Archibald Johnson, *languishing Prisoners in* St. Mary's *County Goal. Lib.* B.L.C. *fol.* 64. *PR.* Ditto.

CHAP. XXXIII.

An Act impowering a Committee to lay, assess and apportion the Public Levy for this present Year One Thousand Seven Hundred and Thirty-two. Lib. B.L.C. *fol.* 66. Ditto.

CHAP. XXXIV.

An Act for the Continuance of St. Mary's *County Court,* Baltimore *County Court, and* Talbot *County Court, from the first Tuesday of* August, *until the first Tuesday of* November *next; and for the further Continuance of Causes in the said Courts. Lib.* B.L.C. *fol.* 66. Ditto.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 13th Day of *March*, in the 18th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1732, and ended the 12th Day of *April* following, *Anno Domini* 1733: The following Laws were Enacted and Assented to, by 1733.

The Rt Hon^ble the Lord PROPRIETARY in Person.

CHAP. I.

An Act reviving an Act of Assembly, entitled, [a] *An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of* William Parks, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 68. *EXP.* Passed 12th *April* 1733.

[a] 1727, *ch.* 8, hereby continued 7 Years.

CHAP.

CHAP. II.

Passed 12th April 1733.

A Supplementary Act to the Act, entitled, [b] "*An Act for laying out a-new* "*Fifteen Acres of Land, Part of the One Hundred Acres of Land formerly* "*erected into a Town, commonly called* Benedict-Leonard-Town, *upon* Pa- "tuxent *River, in* Charles *County, besides the Lots which have been already* "*taken up, pursuant to the Directions of former Laws: And to restrain the* "*Inhabitants from keeping any Stock, except within their Inclosure, in the said* "*Town.*" *Lib.* B.L.C. *fol.* 69.

[b] 1732, *ch.* 21.

N. B. By this Act, (1.) The Owner of the Land was obliged to make his first Choice of one Lot, within Ten Days after Notice given him by the Commissioners, *&c.* (2.) The Tobacco set upon the Lots might be paid by the several Takers-up, to the Owner of the Land, either at his Dwelling House, or in the Hands of the Sheriff of *Charles* County. (3.) No Persons, Living within the said Town, shall keep therein, or within the Inclosures of Mr. *Charles Somerset Smith*, any Hogs, Geese, Horses, Cows, or other Cattle, belonging to themselves or others, unless within their own Inclosures: And Persons convicted thereof before a single Magistrate, on Confession or Proof, shall pay 100 lb Tobacco for each Transgression; to be levied on the Body, Goods, *&c.* of the Offender, by way of Execution as in case of small Debts; to be applied to the Use of the County Free School.

CHAP. III.

Passed 12th April 1733.

An Act for erecting a Town at and about the Landing, called The Elk-Ridge Landing, *near the Head of* Patapsco *River, in* Ann-Arundel *County. Lib.* B.L.C. *fol.* 70.

N. B. By this Act, (1.) Commissioners were appointed and impowered to purchase, *&c.* 30 Acres of Land at or about the Place aforesaid, lying most convenient to the Water, and to cause the same to be surveyed and laid out, *&c.* into 40 Lots for a Town; allowing sufficient Space for Streets, *&c.* and the Lots, for better Distinction, to be Numbered from One to Forty. (2.) The Owner of the Land to have his first Choice of one Lot, provided such Choice be made in Ten Days; after which the remaining Lots to be taken up by others: None to take up more than one Lot during 4 Months after laying out, and the Lots to be taken up by Inhabitants of the said County: But in case the Lots shou'd not be taken up by such Inhabitants in Six Months, then any other Persons whatsoever may take up Lots, paying the Owner proportionably for the same: And such proportionable Payment shall give the Purchasers, their Heirs and Assigns, an absolute Estate of Fee-simple in such Lots, they complying with the Requisites in this Act mentioned. (3.) The Surveyor to return a Plat of the Town to the County Clerk, to be by him kept among the County Records. (4.) In case the Taker-up of any Lot do not Build within 18 Months, an House to cover 400 Square Feet, then may any other Person enter upon such Lot, so as aforesaid not built on, paying the Sum first set and assessed upon such Lot, to the Commissioners, or Person by them appointed to receive the same, for the Public Use and Benefit of the Town: Provided such Taker-up build and finish within 18 Months after such his Entry made, such House as is in this Act before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate to such second Taker-up and Builder, his Heirs, *&c.* as is by this Act settled upon the first Taker-up and Builder. (5.) In case any Lots be not taken up during Seven Years from the Publication of this Act, such Lots shall then revert to the Owner of the Land. (6.) The Town to be called *Jansen-Town*. (7.) The Commissioners to employ a sufficient Clerk, who shall, upon Oath, make true and impartial Entries of their Proceedings; which Entries, made up in a well bound Book, they shall cause to be lodged with the Clerk of *Ann-Arundel* County Court, for the Inspection of any Person. (8.) Possessors of Lots in the said Town, to pay One Penny Current Money of *Maryland, per Annum*, for each Lot, to the Right Honourable the Lord Proprietary and his Heirs for ever. (9.) A saving of Rights to the Crown, the Lord Proprietary, all Bodies Politic and Corporate, and all Persons not mentioned in this Act.

CHAP. IV.

Ditto.

An Act for the Relief of Anthony Parker, Patrick Reyly, *and* Cleborn [Lomax, *languishing Prisoners in* Charles *County Goal. Lib.* B.L.C. *fol.* 73. *PR.*

CHAP. V.

Ditto.

An Act for the Relief of Prisoners for Debt. Lib. B.L.C. *fol.* 76. *EXP.*

To be in Force for One Year. Continued by 1735, *ch.* 15, for 6 Months; and by 1736, *ch.* 3, for 3 Years, *&c.* Expired in 1740.

CHAP. VI.

Ditto.

An Act for Emitting and making Current, Ninety Thousand Pounds Current Money of Maryland, *in Bills of Credit. Lib.* B.L.C. *fol.* 83.

N. B. By this Act, Bills of Credit were to be Struck to the Value of £. 90,000 *American* Currency, (according to the *English* Stat. of 6 ANNE, *For ascertaining the Rates of foreign Coins in the Plantations)* to circulate 31 Years from the 29th *September* 1733. And the Counterfeiters of such Bills, their Aiders and Abettors, and Persons Passing the same, Knowing them to be counterfeit, to suffer Death without Benefit of Clergy.

These Bills of Credit to be Current in all future Contracts, and a Tender thereof, in Discharge of any Money Debt, to be good in Law. All Fees and Levies (the Clergy's Dues, and Tobacco for Building and Repairing Churches excepted); All Bounties, Rewards and Allowances, and all Fines, Forfeitures and Penalties, given in Tobacco, by any Laws of this Province, were made payable in Bills of Credit (at the Election of the Person from whom due) at 10*s.* per

per Hundred. But Levies, not tendered to the Sheriff in Bills of Credit by the 10th *April* yearly, and Lawyers Fees not tendered at the End of a Cauſe, were to be paid in Tobacco. All Duties on Importation or Exportation of Goods, Servants, Slaves (the Duties on Tobacco, and Tonnage of Ships, and other Monies payable to his Lordſhip, not being for Breach of Penal Laws, *&c.* excepted) might be diſcharged in Bills of Credit, allowing the Difference of 33 *l.* 6 *s.* 8 *d.* per Hundred between Sterling and Currency. CHAP. VI.

For the Iſſuing, *&c.* of the ſaid Bills of Credit, an Office was erected at *Annapolis*, to be under the Management of Three Commiſſioners or Truſtees, to be nominated by his Lordſhip, or his Governor, who were Incorporated by the Name of *Commiſſioners or Truſtees for Emitting Bills of Credit*, *&c.* and by that Name to Sue or be Sued, and to hold all Real or Perſonal Securities granted to them in Mortgage, or for ſecuring the Repayment of Money lent by them, and the Intereſt thereof, *&c.* And, to provide for their Succeſſion, his Lordſhip, or the Governor, might appoint another in the Place of any ſuch Commiſſioner dying, miſbehaving, becoming unfit, incapable, or refuſing to Act, *&c.* Such Commiſſioners, before entering upon the Execution of their Office, were to take the Oath preſcribed in the Act, and each give Bond with Security, in the Penalty of £.1000 Sterling, for the due Obſervance of their Truſt, *&c.* and then to proceed to Sign and Number the Bills of Credit, and to keep true Accounts of all Monies by them iſſued, received or paid purſuant to this Act; and their Accounts to be examined, every Seſſion, by a Committee of both Houſes of Aſſembly. The ſaid Commiſſioners to attend the Office on Wedneſday in every Week, or oftener if neceſſary; and to have Salary each £.100 Currency for the firſt Year, and £.80 Currency for every Year after, to be paid in Bills of Credit.

The ſaid Commiſſioners were alſo impowered to chuſe a Clerk, whoſe Salary was equal to that of the Commiſſioners; who was to qualify, before entering upon the Execution of his Office, by taking the Oath preſcribed, and giving Bond with Security, in the Penalty of £.1000 Currency for the faithful Diſcharge of his Duty; and his Fees for Recording, or for atteſted Copies of Deeds, and for drawing Mortgages, *&c.* were eſtabliſhed. And the Books, Paper, and all other Conveniencies, relating to their Office, to be provided by the Commiſſioners at the Charge of the Province.

For Circulating the Bills of Credit, (1.) Thirty Shillings thereof was to be iſſued by the Commiſſioners, and to be paid out by each County Clerk, to the Maſters, *&c.* of Families, for each Taxable to them reſpectively belonging, and £.10 to each County Clerk for their Trouble, *&c.* in paying the ſame. And every ſuch Maſter, *&c.* (for preventing the Exportation of Traſh Tobacco, which at that Time conſiderably clogged the Market, and reduced the Price of the Good) was to Burn, in Preſence of the Tobacco-Burners by this Act appointed, 150 ℔ Tobacco for each Taxable to them belonging, in the Year 1734, and the like Quantity in the Year 1735, on Penalty of 20 Shillings Currency for every 150 ℔ Tobacco omitted ſo to be burnt; and the Commiſſioners to pay the Tobacco-Burners 6*d.* Currency for every 150 ℔ Tobacco ſo burnt. (2.) £. 3000 to be applied in Purchaſing Ground, and Building a Houſe for the Governor's Reſidence. (3.) £.500 to be laid out in each County, for Building County Goals, *&c.* (4.) £.500 for Repairs of Public Buildings, purſuant to *ch.* 8, of this Seſſion. (5.) The remaining Bills of Credit to be Lent out on Intereſt, by the Truſtees, at 4 per Cent, either upon Mortgage or Perſonal Security, *&c.* For the Regulation of which Loan, and Repayment of the Monies Lent, and Intereſt thereon, ample Proviſion was made in the Act. And the Bills paid into the Office by Borrowers, might again be lent out upon Intereſt, *&c.*

For realizing or turning the ſaid Bills of Credit into Caſh, a Duty of 1*s.* 3*d.* Sterling per Hogſhead, *&c.* was laid on all Tobaccoes Exported, to be paid by the Maſters of Ships, *&c.* Exporting the ſame (for 31 Years, from the 29th *September* 1733) in Bills of Exchange; for the Payment of which, the ſeveral Naval Officers were to take good Security, and be anſwerable for the ſame, and to be allowed Commiſſion as uſual, *&c.* which Bills of Exchange they were immediately to remit to the Truſtees in *London* hereafter mentioned: And were annually to lay their Accounts of Receipts and Remittances, upon Oath, before the Aſſembly.

For the Management of which Duty, Three Truſtees were appointed in *London*, under the Controul and Direction of his Lordſhip, who was impowered to remove or diſplace any of them, and nominate others, *&c.* Which *London* Truſtees, or any two of them, were impowered to lay out the Monies ſo remitted to them, in the Purchaſe of Bank-Stock for the Uſe of the Province, and were directed to receive and lay out the annual growing Intereſt thereof, in the Purchaſe of more Stock, *&c.* and to tranſmit annual Accounts to the Aſſembly of their Receipts, Purchaſes, *&c.*

For Diſcharging the Value to the ſeveral Proprietors, and Sinking of the Bills of Credit, Two Times of Payment were appointed: The firſt between the 29th *September* 1748, and the 29th *March* 1749, during which Interval, all the Bills of Credit brought into the Office for Payment, were to be cancelled, and new Bills of Credit, to the Value of Two Thirds thereof, to be delivered out by the Commiſſioners to the reſpective Proprietors; and the Commiſſioners to draw Bills of Exchange on the *London* Truſtees, for the Value of the other Third Part ſo cancelled, Payable at 40 Days Sight to the ſaid ſeveral Proprietors, or their Order, to be charged to the Account of the Province of *Maryland*; which Bills of Exchange were to be Accepted by the *London* Truſtees, and by them Diſcharged out of the Money ariſing by the Sale of any neceſſary Quantity of the Bank-Stock, *&c.* and the ſecond Payment to be made, in the ſame Manner, of the Reſidue of the Bills of Credit remaining in Circulation at the End of the 31 Years (*viz.* 29th *September* 1764) by cancelling the Bills, and drawing for the Value, in Manner aforeſaid.

All the Bills of Credit (amounting to £.90000) being ſo cancelled and deſtroyed, and the ſaid Sum diſcharged as aforeſaid, then the Commiſſioners, their Sureties, Heirs, *&c.* to be for ever Diſcharged from all Troubles, Suits, *&c.* as Commiſſioners, *&c.* under this Act.

Any Money remaining in Bank of the Fund hereby eſtabliſhed, and the Intereſt thereof; and the Money lent on Mortgages, Bonds, *&c.* and Intereſt ariſing by the Loan, *&c.* after Sinking the ſaid Bills of Credit, ſhall be applied and diſpoſed of, as the Aſſembly ſhall think proper.

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CHAP. VII.

Passed 12th *April* 1733.

* 1715, *ch.* 43.

A Supplementary ACT to the * Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof. *Lib.* B.L.C. *fol.* 100.

Preamble.

WHEREAS the Dominion of his Majeſty, the Government of his Lordſhip, and the Properties of the Inhabitants of this Province, ought to be guarded with ſuch ready Defence, as might be able to reſiſt any ſudden Invaſion, or hoſtile Attempt: And whereas the ſeveral Proviſions hitherto intended by the Legiſlature of this Province, as well as the ſeveral Sums of Money laid out in the Purchaſe of Arms and Ammunition, for thoſe Purpoſes, have not had the deſired Effects, in a proper Regulation of the Militia of this Province, by reaſon of ſome Defects in the Laws already made;

Defect of former Laws.

The Power of the Field Officers confirmed.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That any Colonel, Lieutenant-Colonel, or Major, already commiſſioned, or hereafter to be commiſſioned, by the Governor, or Commander in Chief, for the Time being, or any Two or more of them, ſhall have the ſame Powers and Authorities, in the Execution of any Laws now in Force concerning the Militia, as the Colonel, Lieutenant-Colonel, or Major, intended by the ſaid Laws, are inveſted with: Provided, the Number of ſuch Officers, who ſhall at any Time act, or execute any Part of the ſaid Laws, be the ſame as is directed for ſuch Purpoſes, by the ſaid Laws.

The Governor may order Arms to be delivered to the Colonel of each County, and Captain of each Independant Company, for which they ſhall give Receipts, &c.

III. **And be it further Enacted,** *by the Authority aforeſaid,* That his Excellency the Governor, or Commander in Chief, for the Time being, ſhall and may, at any Time or Times, as to him ſhall ſeem meet, cauſe or order to be delivered out of the Public or County Magazine, or Store, ſuch and ſo many Arms as to him ſhall ſeem proper, to the Colonel of each County, and the Captain of every Company within any Town or Corporation of this Province: For which ſaid Arms, the ſaid Colonel and Captain, ſhall give his and their Receipt and Receipts; which ſaid Receipt and Receipts ſhall be recorded in the Council-Book of this Province; and the Record thereof allowed as good Evidence againſt ſuch Colonel or Captain; and ſhall account with and be anſwerable to the Governor, or Commander in Chief, for the Time being, from Time to Time, for the ſame, or the Value thereof, or of ſo many as ſhall not be produced to his Excellency the Governor, or Commander in Chief, for the Time being, or to ſuch Perſon or Perſons as ſhall be appointed by the Governor, or Commander in Chief, for the Time being, for ſuch Purpoſe, when he or they ſhall demand the ſame, in as good Order and Condition as they ought to be: Which Condition and Value, ſhall and may be adjudged and determined by his Excellency the Governor, or Commander in Chief, for the Time being, or by ſuch Perſon or Perſons as ſhall be appointed by the Governor, or Commander in Chief, for that Purpoſe: Which Value, being ſo determined, ſuch Colonel ſhall pay to his Excellency the Governor, or Commander in Chief, for the Time being, or to ſuch Perſon or Perſons as ſhall be appointed by the Governor, or Commander in Chief, for that Purpoſe; to and for the Purchaſe of Arms and Ammunition, for the Uſe of the Regiment or Regiments in the reſpective County to which the ſaid Colonel belongs. And upon the Neglect or Refuſal of ſuch Colonel or Captain, to pay ſuch Value, it ſhall and may be lawful, to and for his ſaid Excellency, or Commander in Chief, or ſuch Perſon or Perſons as ſhall be appointed by the Governor, or Commander in Chief, for that Purpoſe, to certify ſuch Neglect and Refuſal, under his or their Hands, to the Clerk of the reſpective County, and require the ſame Clerk to iſſue an Execution for ſuch Value, againſt the Body, Goods or Chattels, of ſuch Colonel or Captain: Upon which

How the Value ſhall be determined, paid and laid out.

On Non-Payment, ſuch Value ſhall be levied by Execution.

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which Certificate, ſuch Clerk is hereby ordered to iſſue an Execution accordingly, directed to the Sheriff of the ſaid County, or Coroner thereof if the ſaid Colonel or Captain ſhould be the Sheriff thereof at that Time, to levy the Sum amounting to ſuch Value, on the Body, Goods or Chattels, of ſuch Colonel or Captain, which ſaid Execution, the Sheriff, or Coroner, of each reſpective County, is hereby directed and required to ſerve and execute: And the Money which ſhall be paid to the ſaid Sheriff or Coroner thereon, he, the ſaid Sheriff, or Coroner, ſhall deliver and pay, once in every Year, to his Excellency the Governor, or Commander in Chief, for the Time being, for the Uſes aforeſaid. And if the ſaid Sheriff or Coroner, ſhall, by virtue of ſuch Execution, execute or ſeize any Goods of ſuch Colonel or Captain, then the ſaid Sheriff or Coroner, ſhall forthwith cauſe the ſame to be appraiſed by Two Appraiſers, to be Sworn before one Juſtice of the Peace of the ſame County, to appraiſe the ſame, according to the beſt of their Knowledge; which ſaid Goods ſhall, after ſuch Appraiſement, be ſold by the Sheriff or Coroner, at a Public Auction, to the beſt Bidder: And the Value, for which they were ſo taken in Execution, ſhall be paid, once in every Year, by the ſaid Sheriff or Coroner, to his Excellency the Governor or Commander in Chief, for the Time being, for the Uſes aforeſaid; and the Remainder (if any) returned to the Owner of ſuch Goods.

Goods taken in Execution, to be appraiſed, &c.

IV. And, in order that ſuch Colonel who ſhall or may be obliged to be anſwerable, as aforeſaid, may have a Recompence for Arms Spoilt or Loſt, as aforeſaid, by the Fault or Negligence of any other than himſelf, Be it Enacted, *by the Authority aforeſaid*, That it ſhall and may be lawful, to and for every Colonel of a County, to deliver or cauſe to be delivered, to every Lieutenant-Colonel, Major, or Captain, who may have a Troop or Company in his County, ſo many Arms as may be neceſſary and proper for ſuch and ſo many Men as he ſhall think fit, in his, the ſaid Colonel's, Lieutenant-Colonel's, Major's, or Captain's, Troop or Company; and ſhall take a Receipt from every Lieutenant-Colonel, Major, or Captain, for ſuch Arms: And for which Arms, or any Part thereof, every reſpective Lieutenant-Colonel, Major, or Captain, ſhall be accountable to the Value thereof; to be ſet and rated by his Excellency the Governor, or Commander in Chief, for the Time being, or by ſuch Perſon or Perſons as ſhall or may be appointed by the Governor or Commander in Chief, for ſuch Purpoſes, as aforeſaid, to the Colonel of the ſaid County; in caſe the ſaid Arms, or any Part thereof, ſhall not be produced in ſuch Order or Condition as they ought to be, to the ſaid Colonel, when the ſame ſhall be demanded and required, and which ſaid Condition and Order ſhall be determined by his Excellency the Governor, or Commander in Chief, for the Time being, or ſome Perſon authorized by him; and the Value thereof certified by the ſaid Governor, or Commander in Chief, or by ſuch Perſon or Perſons as ſhall be appointed by the Governor, or Commander in Chief, for that Purpoſe, to the County Clerk as aforeſaid, requiring him to iſſue ſuch Execution as aforeſaid, and directed to the Coroner, (if the ſaid Lieutenant-Colonel, Major or Captain, ſhould be Sheriff,) otherwiſe, to the Sheriff as aforeſaid, for the Uſe of ſuch Colonel, againſt the Body, Goods and Chattels of the Lieutenant-Colonel, Major, or Captain, who cannot produce ſuch Arms as aforeſaid; which Execution ſhall iſſue, and be executed as aforeſaid; and the Money ariſing thereby, ſhall be paid to the Colonel of the County, for his own Uſe.

The Colonels ſhall take Receipts from the Officers having Companies, for the Arms by him delivered to them, which Officers ſhall in like Manner be accountable to the Colonel.

V. And in order that every Colonel, Lieutenant-Colonel, or Major, who may have a Troop or Company in the Regiment, and every Captain, either of a Troop of Horſe or a Company of Foot, may be indemnified for what may happen in the Loſs or Damage of the Arms, by Fault or Negligence of the Men in their reſpective Troop or Company; Be it Enacted, *by the Authority aforeſaid*, That it ſhall and may be lawful, to and for every Colonel, Lieutenant-Colonel, Major, or Captain, who may have a Troop, or Company

Every Private Man ſhall give a Receipt to the Officer, for the Arms delivered to him.

CHAP. VII.

pany as aforeſaid, to deliver, or cauſe to be delivered, to ſuch and ſo many Perſon and Perſons, who are, or ſhall be inliſted or enrolled in his or their Troop or Company, within this Province, ſuch Arms as the reſpective Colonel, Lieutenant-Colonel, Major, or Captain, ſhall think proper for ſuch Perſon or Perſons in his reſpective Troop or Company to have: And which Arms ſuch Perſon or Perſons are hereby obliged and directed to receive, and to give a Receipt for the ſame, to ſuch Lieutenant-Colonel, Major or Captain, under Penalty of Two Hundred Pounds of Tobacco; which ſaid Penalty ſhall be recovered againſt ſuch Perſon or Perſons.

Penalty on Refuſal,

to be levied by Execution on Certificate of ſuch Officer, &c.

VI. And ſuch Execution ſhall be iſſued by the Clerk of the reſpective County, on the Certificate of the reſpective Colonel, Lieutenant-Colonel, Major or Captain, certifying the Refuſal to accept and give a Receipt for ſuch Arms as aforeſaid, directed to the Sheriff, (or Coroner, if the Perſon refuſing ſhould be Sheriff:) And which Execution ſhall be ſerved, and the aforeſaid Sum of Two Hundred Pounds of Tobacco, levied by the Sheriff, or Coroner, of the reſpective County, in Manner as before directed; and ſuch Sum, when levied, ſhall be paid, once in every Year, to the Governor, or Commander in Chief, for the Time being, for the Uſes afore-mentioned.

The Value of ſuch Arms may be levied on Execution,

And in caſe ſuch Perſon or Perſons cannot produce ſuch Arms ſo received, in as good Order and Condition as they ought to be, when he or they ſhall be required by the reſpective Colonel, Lieutenant-Colonel, Major or Captain, who may have a Troop or Company as aforeſaid, then it ſhall and may be lawful for his Excellency the Governor, or Commander in Chief, for the Time being, or ſome Perſon authorized by him, upon Application to him made by ſuch Colonel, Lieutenant-Colonel, Major or Captain, to aſſeſs and value ſuch Arms, ſo not produced: Which Valuation ſhall be certified by his Excellency the Governor, or Commander in Chief, for the Time being, or ſuch Perſon as ſhall be appointed by the Governor, or Commander in Chief, for that Purpoſe, to the Clerk of the reſpective County, directing him to iſſue an Execution for ſuch Value, againſt the Body, Goods or Chattels, of ſuch Perſon or Perſons not producing the Arms as aforeſaid to the Colonel, Lieutenant-Colonel, Major or Captain, for the proper Uſe of ſuch Colonel, Lieutenant-Colonel, Major or Captain: Which Execution ſhall be directed to the Sheriff, or Coroner if ſuch Perſon ſhall be Sheriff, and ſhall be executed; and the Value levied and raiſed in Manner afore-directed, by the Sheriff, or Coroner, of the reſpective County; and the ſame ſhall be paid to the proper Colonel, Lieutenant-Colonel, Major or Captain, for his own Uſe and Benefit.

and paid to the proper Officer for his own Uſe.

Powers of Officers of Independant Companies.

VII. And whereas, there are, and may be, ſeveral Companies in Towns, Independant of the Authority or Command of the Colonels of the reſpective County or Counties; Be it Enacted, *by the Authority aforeſaid*, That the Captain, Lieutenants, and Enſign, or any Two of them, ſhall have the ſame Powers and Authorities to execute this, or any other of the Laws now in Force within this Province, relating to the Militia thereof, in and over their Company or Companies, in as full and ample Manner, as the Colonel, Lieutenant-Colonel, or Majors, or any Two of them, can or may do, in and over their reſpective Regiments, Troops, or Companies, by virtue of this, or any other Law now in Force.

The Captains to be liable for Arms to the Governor, and the Men to the Captains.

VIII. And alſo, That the Captain or Captains of ſuch Company or Companies, within ſuch Town or Towns, ſhall receive proper Arms from, and be liable and accountable to, his Excellency the Governor, or Commander in Chief, for the Time being, for ſuch Arms, in the ſame Manner as is before by this Act directed with regard to the Colonel. And the Value of the Arms not produced as aforeſaid, ſhall be ſet, proceeded for, levied and applied, in the ſame Method afore-mentioned in relation to the Colonel; and the reſpective Men ſhall be liable and accountable to ſuch Captain for ſuch Arms not

not produced as aforeſaid, in the ſame Manner as directed by this Law with regard to the Men in any Troop or Company in the County; and the Value ſhall, in the like Manner, be ſet, proceeded for, and levied; but it ſhall be paid to the Captain, by the reſpective Sheriff, for his own Uſe and Benefit.

Perſons to behave at Muſters decently, &c.

IX. **And** to the End that every Perſon ſo inliſted or enrolled, at the Time of their Training, Exerciſe, or other Duty in the Militia, may improve and render themſelves fit for Duty and Service, if Occaſion ſhould require; **Be it Enacted**, *by the Authority aforeſaid*, That every Perſon or Perſons ſo inliſted or enrolled, ſhall, at the Time and Place of Training, and in the Performance of their Exerciſe, behave him, or themſelves, decently, and in a Manner ſuitable to the Attention and Care requiſite in ſuch Exerciſe, under the Penalty of One Hundred Pounds of Tobacco, or Ten Shillings Current Money, for every ſuch Miſbehaviour, which ſhall be determined by any Two Field Officers of the County, either upon their own view, or repreſentation of the Commanding Officer then preſent, and certified by ſuch Field Officers, to the Clerk of the ſame County; who ſhall, on ſuch Certificate, iſſue an Execution, directed to the Sheriff, (or Coroner, if the offending Perſon ſhall be then Sheriff,) to levy ſuch Penalty on the Body, Goods, or Chattels, of ſuch Perſon or Perſons ſo offending: Which ſaid Sheriff, or Coroner, ſhall proceed, as is afore-mentioned, and pay the Penalty ſo levied, to the Governor, or Commander in Chief, for the Time being, once every Year, for the Uſes afore-mentioned.

Penalty for Miſbehaviour to be determined by two Field Officers.

The Governor deſired to depute a Perſon in each County.

X. **And be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That it ſhall and may be lawful, to and for the Governor, or Commander in Chief, for the Time being, and he is hereby deſired, to nominate and appoint ſome fit Perſon or Perſons reſiding in each County, to execute, from Time to Time, ſuch Parts of this Act, as is directed to be executed by any Perſon or Perſons appointed by the Governor, or Commander in Chief.

No Servant to be inliſted in the Militia, unleſs upon Emergency.

XI. **And be it further Enacted**, That no Servant or Servants ſhall from henceforth continue, or hereafter be Inliſted or Enrolled, in any Regiment, Company, or Troop, unleſs upon ſuch an Emergency as may be judged neceſſary and proper by the Field Officers of the reſpective County, or the major Part of them, for the Inliſting ſuch Servant or Servants; any Act to the contrary notwithſtanding.

Sheriff's Fee on Execution.

XII. **And be it further Enacted**, *by the Authority aforeſaid*, That the Sheriff or Coroner, ſhall have and receive Thirty Pounds of Tobacco, for every Execution he ſhall ſerve or execute, by virtue of this Act, and the uſual Impriſonment Fee, or Fees due on the Sale of Effects, in caſe of an Impriſonment, or Sale; and the Clerk ſhall have and receive Six Pounds of Tobacco for every Execution iſſued by him, in purſuance of this Law: Which ſaid Fees ſo to be due to the ſaid Sheriff, Coroner, or Clerk, ſhall be levied on the Body, Goods, or Chattels, of the Perſon againſt whom ſuch Execution ſhall iſſue.

Clerk's Fee.

Leviable on Execution.

A Liſt to be made of Old Arms in the ſeveral Counties,

to be Sold, &c. as the Governor ſhall think proper.

XIII. **And whereas**, there are ſeveral Public Arms now lodged in the ſeveral Counties in this Province, which may be in a Condition unfit for Uſe, **Be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That the Colonel of each reſpective County, ſhall, as ſoon as conveniently may be, after the Governor, or Commander in Chief, ſhall require the ſame, return to the Governor, or Commander in Chief, a Liſt of ſuch Arms which ſuch Colonel can find in his County, together with an Account of the Condition ſuch Arms are in; and for the Reparation, Amendment, or Diſpoſal thereof, the Governor, or Commander in Chief, is hereby deſired to give ſuch Directions as he may judge moſt proper.

CHAP. VII.

Public Arms to be Mark'd.

XIV. And to prevent the Embezzlement of the Public Arms, Be it Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That all the Public Arms ſhall be Marked with ſuch Marks, and in ſuch Manner, as the Governor, or Commander in Chief, ſhall think moſt proper, to denote ſuch Arms to belong to the Public; after which Marks ſo made,

Penalty on Perſons knowingly Selling or Purchaſing ſuch Arms.

no Perſon or Perſons whatſoever, ſhall preſume to Sell or Purchaſe ſuch Arms ſo Marked, or where the Mark appears to have been defaced, or knowing the ſame to be Public Arms, under the Penalty of Forty Shillings; to be recovered againſt the Seller; and the like Penalty of Forty Shillings, to be recovered againſt the Purchaſer, for every Offence, before a ſingle Magiſtrate, upon the Oath of one or more credible Witneſs or Witneſſes: Which ſaid Magiſtrate ſhall iſſue his Warrant to the Clerk of the County, directing him to iſſue an Execution for ſuch Penalty; which Execution he ſhall iſſue, and the Sheriff ſhall ſerve and levy the Penalty, in Manner aforeſaid: Half of which Penalty ſhall be paid to the Informer for his own Uſe, and the other Half to the Governor, or Commander in Chief, for the Uſes aforeſaid.

No Member of the Council obliged to ſerve in the Militia.

XV. And whereas, there is not any Exemption by the Laws now in Force, of any Member of his Lordſhip's Council, and of the Upper Houſe of Aſſembly, Be it therefore Enacted, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That no ſuch Member ſhall be obliged to ſerve in the Militia, or be Enrolled or Inliſted in any Regiment, Troop, or Company thereof; any Law to the contrary notwithſtanding.

How far the Executor of an Officer deceaſed, ſhall be chargeable with Public Arms.

XVI. Provided always, That this Act, nor any Thing herein contained, ſhall be conſtrued to charge the Executors or Adminiſtrators of the Colonel, Lieutenant-Colonel, Major, or Captain, dying, for any of the Arms aforeſaid, more than they ſhall have in their Poſſeſſion, or ſhall have received Satisfaction for, from the ſeveral Perſons, liable to ſuch Colonel, Lieutenant-Colonel, Major, or Captain, ſo dying: Nor any Colonel, Lieutenant-Colonel, Major, or Captain, ſucceeding any deceaſed Colonel, Lieutenant-Colonel, Major, or Captain, ſhall receive or take in his or their Poſſeſſion, or for more than he or they ſhall take Receipts for, as aforeſaid; but ſuch ſucceeding Colonel, Lieutenant-Colonel, Major, or Captain, ſhall, on the Death of any Colonel, Lieutenant-Colonel, Major, or Captain, immediately warn the reſpective Regiment or Regiments, Companies and Troops, to Muſter, and then take Receipts for ſuch Arms as ſhall then be produced in good Order: The Number thereof, together with the Condition of ſuch Arms as ſhall be loſt, or ſpoiled, as aforeſaid, ſhall by the reſpective Colonel, Lieutenant-Colonel, Major, or Captain, be certified to the Governor, or Commander in Chief, within Thirty Days after ſuch Muſter: After which Return of the Certificate aforeſaid, every ſuch Officer ſhall be liable to each other, and the Men to ſuch Officer, as is before directed by this Act: Which Muſter and Return, ſhall be made and had, as aforeſaid, under the Penalty of the Officer neglecting the ſame being liable for the Value of the Arms delivered to the deceaſed Officer, in whoſe Place he ſhall Succeed; which Value ſhall be aſcertained, levied, paid, and applied, in the Manner, and to the Uſe afore-mentioned.

Succeeding Officers how far chargeable.

No Officer liable for Arms delivered to inſolvents.

XVII. Provided alſo, That no Officer, nor his Executors or Adminiſtrators, ſhall be liable, by Virtue of this, or any other Act, for ſuch Arms as ſhall be delivered to any Perſon or Perſons, which are or ſhall be Inliſted or Enrolled in any Troop or Company, and who ſhall, after ſuch Receipt of the ſaid Arms, and before any Satisfaction made to the proper Officer, for the Loſs, Damage, or Embezzlement of ſuch Arms, either prove inſolvent, or run away, or die inſolvent.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. VIII.

An Act for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, *to the* [c] *Uses therein mentioned. Lib.* B.L.C. *fol.* 106. Passed 12th *April* 1733.

[c] *Viz.* £. 3000 for purchasing convenient Ground in the City of *Annapolis*, for the Use of the Public, and for building thereon a Dwelling House, *&c.* for the Residence of the Governor: And £. 500 towards Repairs of the Public Buildings, *&c.* in *Annapolis*. To be issued and paid out of the Paper Money Office in pursuance of the Act passed this Session, *ch.* 6, §. 15.

CHAP. IX.

An Act to impower the Inhabitants of Ann-Arundel *and* Prince George's *Counties, to make the main Branch of the River* Patuxent *Navigable above* Queen-Anne *Town, in* Prince George's *County aforesaid. Lib.* B.L.C. *fol.* 107. Ditto.

N. B. On Petition of sundry Inhabitants of the said Counties, setting forth, that Proposals for making the said Branch Navigable for upwards of Twenty Miles above *Queen-Anne* Town, by Subscription, had been well received, it was hereby Enacted, (1.) No Person to make any Hedge, Wear or Fence, in or across the said Branch, or to repair any Hedge, *&c.* already made in or across the same above *Queen-Anne* Town aforesaid; or to Fall, *&c.* any Tree or Trees into the said Branch, either for the Conveniency of Fishing, or other Matter whatsoever, whereby the Navigation up and down the said Branch may be any ways obstructed, under Penalty of 400 lb Tobacco for every such Offence: To be recovered, by Oath of the Informer, before any Justice of the County Court where such Offender shall reside; one Half to the Informer, the other Half to be paid or accounted for to the County Justices, and by them applied for the Benefit of such Persons as shall appear to them to have cleared, or to be concerned at their own Expence, in Clearing such River. (2.) Any Person whatsoever may clear and keep the River aforesaid Open and Navigable at their own Expence, without being obstructed by any Persons whatsoever. (3.) If the Petitioners did not begin the Clearing of the said River within Six Months from the End of this Session, or not so compleated as to render the said River Navigable within Six Years after the End of the said Six Months, then this Act to cease and determine, *&c.* (4.) A saving of Rights to his Lordship, his Heirs, *&c.*

CHAP. X.

An Act for the Assessment of so much Tobacco on the Inhabitants of St. Stephen's *Parish, in* Cæcil *County, as will build them a new Parish Church, and a Chapel of Ease on* Bohemia *Manor, in the said Parish. Lib.* B.L.C. *fol.* 108. Ditto.

CHAP. XI.

An Act to continue an Act, entitled, [d] *An Act for raising a Duty of Three-pence per Hogshead on all Tobacco exported out of this Province for the Uses therein mentioned. Lib.* B.L.C. *fol.* 109. *EXP.* Ditto.

[d] 1732, *ch.* 30, hereby continued 'til 29th *September* 1736.

CHAP. XII.

An Act to continue the Process and Proceedings in the Provincial Court and County Courts; and for Trial of Capital Offences at the next Provincial Court, to be held the Third Tuesday of May *next. Lib.* B.L.C. *fol.* 110. Ditto.

CHAP. XIII.

An Act for the erecting a Town near the Head of Monokin *River, on the South Side thereof, in* Somerset *County; and for laying into Lots Twenty-five Acres of Land. Lib.* B.L.C. *fol.* 111. Ditto.

N. B. By this Act, (1.) Commissioners were impowered to purchase by Agreement, or Valuation of a Jury, 25 Acres of Land, out of a Tract then supposed to belong to *David Brown*, near the Head of *Monokin*, and to cause the same to be laid out for a Town, into 30 equal Lots, allowing sufficient Space for Streets, *&c.* and the Lots (for better Distinction) to be Numbered from One to Thirty. (2.) The Owner of the Land to have his first Choice for Two Lots, provided such Choice be made in Four Days after Survey, and then the remaining Lots to be taken up by others, paying the Owner proportionably for the same: And such proportionable Payment to give the Purchasers, their Heirs, *&c.* an absolute Estate of Fee-simple in such Lots, they complying with the Requisites in this Act mentioned. (3.) The Surveyor to return a Plat of the said Town to the County Clerk to be by him kept among the County Records. (4.) In case any Taker-up of a Lot shou'd not build thereon within 18 Months, an House with One Brick Chimney, to cover 400 square Feet, then might any other Person enter upon such Lot not built upon, paying the Sum originally set upon such Lot to the Commissioners, or Person by them appointed to receive the same, for the Benefit of the Town: Provided such second Taker-up do build within 18 Months after such his Entry made, such House as is by this Act appointed to be built by the first Taker-up; which House so built, shall give as good an Estate to such second Taker-up and Builder, his Heirs, *&c.* as is by this Act settled upon the first Taker-up and Builder. (5.) Lots neglected to be taken up during Seven Years after Publication of this Act, shall revert to the Owner of the Land. (6.) The Town to be called *Princess-Anne-Town*. (7.) The Commissioners to employ a sufficient Clerk upon Oath to make true and impartial Entries of their Proceedings, in a well bound Book, to be lodged with the Clerk of *Somerset* County Court for the Inspection of any Person. (8.) Proprietors of Lots to pay One Penny Current Money, *per Annum*, for each Lot, to his Lordship and his Heirs for ever. (9.) A

CHAP. XIII. (9.) A Saving of Rights to the Crown, his Lordſhip, all Bodies Politic and Corporate, and Perſons not mentioned in this Act.

By the Act of 1745, *ch.* 5, this Town was laid out a-new, as agreeable as might be to the original Survey, without incommoding the Settlements already thereon, and having Regard to the Ground originally laid out for Public Buildings, *&c.* and his Lordſhip's Rent for each Lot, to be One Penny Sterling *per Annum*. By the Act of 1747, *ch.* 5, Inhabitants of the ſaid Town are prohibited, under a certain Penalty, from raiſing of Swine and Geeſe therein. The Act of 1751, *ch.* 16, was made to aid the Titles of Purchaſers of Lots in the ſaid Town, the Land appearing to be an Eſcheat to his Lordſhip. And a Supplementary Act to the ſame was paſſed in 1753, *ch.* 33.

1735. At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, in the County of *Ann-Arundel*, for the Province of *Maryland*, on the 20th Day of *March*, in the 20th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq*; *Domini* 1734; and ended the 24th Day of *April*, *Anno Domini* 1735. The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

Paſſed 31st *March* 1735. *An Act to adjourn the Courts of Aſſize*, Niſi-prius, *and Goal Delivery, Provincial Court, and to continue the Proceſs and Proceedings in ſome of the County Courts within this Province, and to enlarge the Time for taking out Executions. Lib.* B.L.C. *fol.* 115. *OBS.*

CHAP. II.

Paſſed 23d *April* 1735. *An Act for the explaining and carrying into Execution, an Act, entitled,* [a] *An Act for laying out, and applying Three Thouſand Five Hundred Pounds Current Money of* Maryland, *to the Uſes therein mentioned. Lib.* B.L.C. *fol.* 117. *OBS.*

[a] 1733, *ch.* 8, for Building the Governor's Houſe.

CHAP. III.

Ditto. *An Act to cut off the Entail of two Tracts of Land in* Baltimore *County*; *the one called* Mornings-Choice, *the other called* Mornings-Choice-Addition; *and to entail in lieu thereof, Part of* Vulcan's-Reſt *in* Cæcil *County. Lib.* B.L.C. *fol.* 118. *PR.*

CHAP. IV.

Ditto. *An Act for relieving ſundry Inhabitants in this Province from the Charges of Proſecutions for not Burning Tobacco in purſuance of an Act of Aſſembly, entitled,* [b] *An Act for emitting and making Current Ninety Thouſand Pounds Current Money of* Maryland, *in Bills of Credit. Lib.* B.L.C. *fol.* 119. *OBS.*

[b] 1733, *ch.* 6.

CHAP. V.

Paſſed 23d *April* 1735. *An Act to confirm the Laſt Will and Teſtament of* Rebecca Calvert, *Widow, deceaſed, who was the Relict and Adminiſtratrix of the Honourable* Charles Calvert, *Eſq*; *deceaſed*; *and to enable the Executors therein named to execute the ſaid Teſtament, according to the true Intent thereof. Lib.* B.L.C. *fol.* 120. *PR.*

CHAP.

CHAP. VI.

A Supplementary ACT to an Act, entitled, * An Act laying an Impoſition on Negroes, and ſeveral ſorts of Liquors imported; and alſo on *Iriſh* Servants, to prevent the importing too great a Number of *Iriſh* Papiſts into this Province. *Lib.* B.L.C. *fol.* 121.

Paſſed 23d *April* 1735.

* 1715, *ch.* 36.

FORASMUCH as it appears to this General Aſſembly, to be a Hardſhip on the Importers of Servants and Slaves into this Province, to pay Duty for ſuch as ſhall happen to die, or be exported again before Sale; Preamble.

Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That no Perſon or Perſons whatſoever, hereafter Importing any Servants or Slaves, ſhall be chargeable with, or liable to pay, any Duty for any Servant or Slave that ſhall happen to Die, or be Exported out of this Province, before Sale of the ſaid Servant or Slave. No Duty to be paid for Slaves or Servants Dying, or Exported before Sale,

II. **Provided always**, That ſuch Death or Exportation, ſhall happen within Three Months after the Importation of ſuch Servant or Slave; and that the ſaid Perſon or Perſons, who ſhall deſire the Benefit of this Act, ſhall declare on his, her, or their corporal Oaths, to be adminiſtrated by the Naval Officer, on the Holy Evangeliſts of Almighty GOD, That ſuch Servant or Servants, Negro or Negroes, Exported or Dead, within the ſaid Time of Three Months, is or are Part of the Servants or Negroes imported or made Entry of; any Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding. if ſuch Death happen within 3 Months, of which, Oath to be made.

III. **And whereas** divers Frauds have been committed by ſundry Perſons not Inhabitants of this Province, importing Negroes from *Pennſylvania*, *Virginia*, and other Provinces, who make Sale of the ſaid Negroes without Payment of the Duties ariſing on ſuch Negroes: For Prevention whereof for the future; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all and every Perſon or Perſons, in whoſe Cuſtody any Negro or Negroes ſo imported into this Province, ſhall be found, ſhall be deemed to be the Importer or Importers, and liable to pay the Duties due by Law, to the Naval Officers of the Diſtrict where the ſaid Perſon or Perſons reſide, under the Penalties by former [c] Acts of Aſſembly in ſuch Caſes inflicted upon the Importer or Importers of any Negro or Negroes concealed, kept back, or unaccounted for by him, her, or them: To be recovered in the Manner, and to the Uſes, directed by the aforeſaid Acts of Aſſembly. Perſons in whoſe Cuſtody Negroes from *Pennſylvania*, *Virginia*, &c. are found, ſhall be deemed the Importers.

[c] 1715, *ch.* 36, §. 8; and 1717, *ch.* 10, §. 3 and 4.

IV. **And** for the more effectual diſcovery what Rum, Wine and Spirits, by the before-mentioned Act liable to the Payment of Duty, ſhall be brought into this Province; **Be it Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That after the End of this Seſſion of Aſſembly, every Naval Officer within this Province, before he ſhall make Entry of any ſuch Rum, Wine, or Spirits, ſhall require and receive, from the Perſon applying to make the ſaid Entry, an Invoice on Oath, of the Quantity of Gallons, which the Caſk by him at that Time imported, gauge in Wine Gallons, together with the Marks and Numbers of ſuch Caſk. And if any Perſon ſhall preſume to land any ſuch Rum, Wine, or Spirits, from on board any Ship or Veſſel within this Province, or if it be brought over Land from *Pennſylvania*, or *Virginia*, ſhall let it be Water-born in *Cheſapeak* Bay, or any the Branches thereof, before Invoice delivered, and Entry made as aforeſaid, ſhall forfeit the ſame, or the Value of it: The one Moiety thereof to the Right Honourable the Lord Proprietary, his Heirs and Succeſſors, for the Support of Government; and the other Moiety to him or them that will ſeize or ſue for the ſame; to be recovered in any Court of Record within this Province, by Action Entry of Liquors liable to Duty, ſhall be made on Oath with the Naval Officer. Penalty for landing ſuch Liquors, or (if brought by Land from *Pennſylvania*) letting them be Water-born in the Bay, before Entry.

CHAP. VI. tion of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

Duration. V. This Act to continue in Force, for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1740, *ch.* 9; 1744, *ch.* 9; 1747, *ch.* 15; 1751, *ch.* 10; 1754, *ch.* 6; 1757, *ch.* 22; and 1762, *ch.* 12.

CHAP. VII.

Paſſed 23d *April* 1735. *An Act for Naturalization.* *Lib.* B.L.C. *fol.* 123. *EXP.*

To be in Force 3 Years, &c. Expired in 1740.

CHAP. VIII.

Ditto. *An Act concerning Ordinaries, and for the better regulating of Inn-holders and Ordinary-Keepers within this Province.* *Lib.* B.L.C. *fol.* 124. *EXP.*

To be in Force 3 Years, &c. Expired in 1740.

CHAP. IX.

Ditto. *An Act impowering the Rector, Veſtry-men and Church-wardens of* King and Queen *Pariſh, in* St. Mary's *and* Charles *Counties, to purchaſe two Acres of Land in the ſaid Pariſh in* St. Mary's *County, to build a Church on; and for raiſing a Fund, as well to compleat the ſaid Purchaſe and Building, as to repair* Newport *Church in* Charles *County, within the ſaid Pariſh.* *Lib.* B.L.C. *fol.* 128. *EXECUTED.*

CHAP. X.

Ditto. *An Act for Licencing Pedlars and Hawkers.* *Lib.* B.L.C. *fol.* 129. *EXP.*

Viz. £. 5 Currency for each Licence, to his Lordſhip for Support of Government: To be in Force 3 Years, &c. Expired in 1740.

CHAP. XI.

Ditto. *An Act for raiſing Three Pence per Hogshead on all Tobacco to be Exported, for purchaſing Arms and Ammunition for the Defence of this Province.* *Lib.* B.L.C. *fol.* 131. *EXP.*

To be in Force 3 Years, &c. Expired in 1740.

CHAP. XII.

Ditto. *An Act repealing an Act, entitled,* [d] *An Act againſt Ingroſſers and Regrators.* *Lib.* B.L.C. *fol.* 131.

[d] 1729, *ch.* 17; hereby Repealed.

CHAP. XIII.

Ditto. *An Act to aid the Defect in the Certificate of Acknowledgment of a certain Deed of Conveyance, made and executed by and between* William Pile, *of* Prince-George's *County, Gentleman, and* Elizabeth *his Wife, of the one Part; and* Thomas Marſhall *of the County aforeſaid, of the other Part; of Part of a Tract of Land lying in the ſaid County, called* Carrick. *Lib.* B.L.C. *fol.* 132. *PR.*

CHAP. XIV.

Ditto. *An Act reviving and continuing the* [e] *Acts therein mentioned.* *Lib.* B.L.C. *fol.* 132. *EXP.*

[e] 1731, *ch.* 3; and 1732, *ch.* 11; for 3 Years, &c. Both which Expired in 1740.

CHAP. XV.

Ditto. *An Act reviving an Act of Aſſembly, entitled,* [f] *An Act for the Relief of Priſoners for Debt.* *Lib.* B.L.C. *fol.* 133. *EXP.*

[f] 1733, *ch.* 5; hereby continued 6 Months.

CHAP. XVI.

Ditto. An ACT to prevent the injuring Harbours within this Province, and for Repealing the Act therein mentioned. *Lib.* B.L.C. *fol.* 133.

Preamble. WHEREAS notwithſtanding the Laws heretofore made for the Preſervation of Harbours and Landing Places, within this Province, Maſters of Ships and Veſſels, and Others having the Charge or Command of Ships and Veſſels, have cauſed or ſuffered great Quantities of Ballaſt,

CHAP. XVI.

Ballaſt, from on board their Ships and Veſſels, to be thrown into the Rivers and Harbours within this Province; whereby many ſafe and very good Harbours are already ſpoiled, or rendered dangerous; which Practice, if not timely prevented, will be very hurtful to the Trade and Navigation of *Great-Britain*, and entirely deſtructive to the Trade and Navigation of this Province. And whereas the ſaid pernicious Practices have been continued and carried on, becauſe, by the Laws heretofore made, Maſters of Ships and Veſſels, or other Perſons who have had the Charge and Command of Ships and Veſſels, and who therefore might and ought to have prevented the ſaid miſchievous Cuſtom, have not been ſubject to any Penalty for neglecting their Duty therein: Wherefore it is prayed that it may be Enacted;

Ballaſt not to be unladen, but between the Riſing and Setting of the Sun, nor thrown into the Bay above *Cedar* Point, nor into any River, Creek or Harbour below High Water Mark.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the Publication of this Act, any Ballaſt ſhall be taken, unladen, or caſt out of any Ship, or other Veſſel, on any Pretence whatſoever, within the Limits hereafter mentioned, but in the Day-Time, *That is to ſay,* Between the Riſing and Setting of the Sun; or if any Ballaſt ſhall be unladen, or taken out of any Ship or Veſſel in the Bay of *Cheſapeak*, above *Cedar-Point*, below the Mouth of *Patuxent* River, in any River, Creek, or Harbour, within this Province, and caſt into the Bay above *Cedar-Point* aforeſaid, or into any River, Creek, or Harbour, below High-water Mark, that the Maſter, or other Perſon having the Charge or Command of ſuch Ship or Veſſel, ſhall forfeit and pay the Sum of Fifty Pounds Current Money; one Half thereof to the Lord Proprietary, for the Support of Government; the other Half to him or them who will ſue for the ſame: To be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoin, Protection, or Wager of Law, to be allowed.

Penalty 50*l.* Currency.

III. **And be it Enacted,** *by the Authority aforeſaid,* That no Perſon whatſoever, ſhall preſume to build any Wear or Hedge croſs any River, Creek or Branch, below any Public Landing Place, ſo as to Prejudice or Dam up the Channel, or to Obſtruct the Paſſage of Boats, on Pain of forfeiting Ten Pounds Current Money of *Maryland:* To be recovered in the proper County Court, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed.

Weares or Hedges not to be built croſs any River, &c. ſo as to prejudice the Channel, &c.

IV. **And** to the End, that all Maſters, and other Perſons having the Command or Charge of Ships or Veſſels, may have due Notice of this Act, and not pretend Ignorance; **Be it Enacted,** *by the Authority aforeſaid,* That every Naval-Officer within this Province, ſhall ſet up and keep fixed, in ſome public Place in his Office, a Copy of this Act; (for which Copy the ſaid Naval-Officers ſhall be allowed Ten Shillings in the Public Levy) on Pain of forfeiting Ten Pounds Current Money of *Maryland*; to be recovered as aforeſaid, to the Uſes aforeſaid.

Copies of this Act to be ſet up in the Offices of Naval Officers.

V. **And be it further Enacted,** That an Act, entitled, *An Act for the Preſervation of the ſeveral Harbours within this Province,* made at an Aſſembly held at *Annapolis*, the Fifth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Four, ſhall be, and is, by virtue of this Act, repealed and abrogated.

Repeal of 1704, *ch.* 90.

VI. This Act to continue for Three Years, and until the End of the Seſſion of Aſſembly which ſhall next happen after the End of the ſaid Three Years.

Duration.

This Act was farther continued by 1740, *ch.* 8; and 1744, *ch.* 6; for 3 Years, &c. but by 1747, *ch.* 13, is made PERPETUAL.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

Paſſed 23d *April* 1735.

An ACT to ſupply ſome Defects in an Act, entitled, * An Additional and Supplementary Act to the ſeveral Acts for the Adminiſtration of Juſtice in Teſtamentary Affairs. *Lib.* B.L.C. *fol.* 134.

*1729, *ch.* 24.

Preamble.

WHEREAS by the above mentioned Supplementary Act, the ſeveral County Courts within this Province, are impowered, on the Neglect and Refuſal of Principals, in the Bonds of Executors, Adminiſtrators, or Guardians, to counter-ſecure their Sureties in thoſe Bonds, to order the Eſtate for the Adminiſtration or Payment whereof the ſaid Sureties ſhall be bound, or ſuch Part thereof as ſhall be left in the Hands of the ſaid Executor, Adminiſtrator or Guardian, to be delivered into the Hands of their Sureties, or their Repreſentatives, who are impowered by Proceſs of Attachment and Diſtreſs, to take and poſſeſs themſelves of the ſame, which Poſſeſſion is made a Diſcharge to the Executor, Adminiſtrator, or Guardian, therefrom; and yet the ſaid Sureties, or their Repreſentatives, are not required to give any Security for the due Payment or Delivery of the ſame, according to Law, whereby the Loſs of the Eſtates of Infants, Perſons abſent, and Others, may be greatly endangered: For Remedy whereof,

Sureties obtaining an Order of Court, purſuant to 1729, *ch.* 24, §, 23, ſhall give Bond for Payment of the Eſtate to Perſons having legal Right.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary of this Province, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That no Order of a County Court for the Delivery of an Eſtate into the Hands of any Surety or Sureties, or any of their Repreſentatives, by virtue of the ſaid Act, ſhall, in any Manner, be purſued, obeyed, or executed, or any Proceſs thereon be iſſued, before the ſaid Surety or Sureties, or their Repreſentatives, obtaining ſuch Order, have entered into a Bond or Recognizance, to the Right Honourable the Lord Proprietary of this Province, before that Court, with Two ſufficient Sureties, in ſuch Sum as the ſame Court ſhall judge neceſſary, under Condition to be void, on the ſaid Sureties, or their Repreſentatives, their Delivery or Payment of all Goods and Chattels which ſhall come to their Poſſeſſions, by Virtue of, or under, ſuch Order, or the Value of them, as the Laws of this Province do require, to any Perſon or Perſons who have Right to demand the ſame, when they ſhall be thereunto lawfully required.

III. **And be it further Enacted,** *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid,* That every ſuch Surety and Sureties, and every of their Repreſentatives, that have at any Time heretofore, by the Order of any of the County Courts of this Province, taken and poſſeſſed themſelves of all, or any part of the ſaid Eſtate, for the Adminiſtration or Payment whereof the ſaid Sureties have been Bound, and not given any Security for the due Payment or Delivery of the ſame, according to Law, ſhall be compelled by the Juſtices of the reſpective County Courts, by Summons, Attachment, and Diſtreſs, to enter into Bond or Recognizance to the Right Honourable the Lord Proprietary, with Two ſufficient Sureties, in ſuch Sum as the ſame Juſtices ſhall judge neceſſary, under Condition, to be void on the ſaid Sureties or their Repreſentatives, their Delivery or Payment of all Goods and Chattels, which have come to their Poſſeſſions, by virtue of, or under any ſuch Order, or the full Value of them, as the Laws of this Province do require, to any Perſon or Perſons who have a Right to demand the ſame, when they ſhall be thereunto lawfully required: Which Recognizances or Bonds ſhall be filed or lodged in the Court wherein they are made, and ſhall be aſſignable to, and may be ſued by, any Perſon or Perſons who ſhall be injured by the Non-performance of their ſeveral Conditions, in ſuch Manner as Teſtamentary or Adminiſtration Bonds now are aſſigned and ſued; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The Bonds to be filed, and may be ſued as Teſtamentary Bonds.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XVIII.

An Act for reviving an Act of Assembly, entitled, [z] *An Act for the Advancement of Justice; as also an Act of Assembly, entitled,* [h] *A Supplementary Act to the Act for the Advancement of Justice. Lib.* B.L.C. *fol.* 136. *EXP.* Passed 23d *April* 1735.

[z] 1723, *ch.* 12: [h] 1730, *ch.* 10, hereby continued 3 Years, &c.

CHAP. XIX.

An Act continuing and reviving the several [i] *Acts therein mentioned. Lib.* B.L.C. *fol.* 136. *EXP.* Ditto.

[i] 1714, *ch.* 4; and 1728, *ch.* 24; hereby continued 3 Years, &c.

CHAP. XX.

An Act for Limitation of the Time of Shipping Tobacco. Lib. B.L.C. *fol.* 137. *REP.* 1737, *ch.* 15. Ditto.

To be in Force 3 Years, &c. but was Repealed in 1737, as above.

CHAP. XXI.

An Act to confirm a Deed of Mortgage already Recorded, from a certain Thomas Howel *of* Kent *County, to* Edward Beck *of the said County, Attorney in Fact for a certain* Casper Hoodt. *Lib.* B.L.C. *fol.* 137. *PR.* Ditto.

CHAP. XXII.

An Act for applying the Duty of Three Pence per Hogshead, raised by the [k] *Act therein mentioned. Lib.* B.L.C. *fol.* 138. *OBS.* Ditto.

[k] 1732, *ch.* 31; and now applied to the Purchase of Arms and Ammunition.

CHAP. XXIII.

An Act to enable the Secretary of this Province for the Time being, to record and enter up the Proceedings of the Provincial Court, which were omitted to be done during the continuance of Vachel Denton *in the Office of Clerk of the said Court. Lib.* B.L.C. *fol.* 139. *OBS.* Ditto.

CHAP. XXIV.

An Act for the taking out of the Office of Commissioners or Trustees for emitting the Bills of Credit, the several Sums herein mentioned; and for repaying the same into the said Office by the several Treasurers of this Province. Lib. B.L.C. *fol.* 140. *OBS.* Ditto.

Viz. For Paying off the Public Journal.

CHAP. XXV.

An Act for defraying the Public Charge of this Province. Lib. B.L.C. *fol.* 141. *OBS.* Passed 24th *April* 1735.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 20th Day of *April*, in the 21st Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1736, and ending the 6th *May* following: The following Laws were Enacted. 1736.

SAMUEL OGLE, Esq; Governor.

CHAP. I.

An Act reviving and continuing an Act of Assembly of this Province, entitled, [a] *An Act for the speedy Recovery of small Debts out of Court, before a single Justice of Peace. Lib.* B.L.C. *fol.* 143. *EXP.* Passed 6th *May* 1736.

[a] 1732, *ch.* 27; hereby continued 3 Years, &c.

CHAP. II.

An Act to continue An Act, entitled, [b] *An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned. Lib.* B.L.C. *fol.* 143. *EXP.* Ditto.

[b] 1732, *ch.* 30; hereby continued 'til 29th *September* 1739.

CHAP. III.

Passed 6th May 1736. *An Act to continue an Act of Assembly of this Province, entitled,* [c] *An Act for the better Relief of poor Debtors. Lib.* B.L.C. *fol.* 144. *EXP.*

[c] 1722, *ch.* 13, hereby continued 3 Years, *&c.*

CHAP. IV.

Ditto. *A Supplementary Act to the Act, entitled,* [d] *An Act for emitting and making Current Ninety Thousand Pounds Current Money of* Maryland, *in Bills of Credit; and to restrain some Evil Practices of Sheriffs, under colour of the said Act committed. Lib.* B.L.C. *fol.* 145. *EXP.*

[d] 1733, *ch.* 6. This Act to continue in Force 3 Years, *&c.* and expired in 1740.

CHAP. V.

Ditto. *An Act for continuing an Act of Assembly of this Province, entitled,* [e] *An Act to prevent cutting up Tobacco Plants, destroying of Tobacco and Tobacco Houses, and for ascertaining the Punishment of Criminals Guilty of the said Offences. Lib.* B.L.C. *fol.* 146. *EXP.*

[e] 1732, *ch.* 8; hereby continued 3 Years, *&c.*

CHAP. VI.

Ditto. An ACT for Building a Public Goal in *Annapolis. Lib.* B.L.C. *fol.* 146.

Commissioners impowered to build a Public Goal at *Annapolis,*

WHEREAS it is necessary to build a Public Goal in the City of *Annapolis,* with such Conveniencies as may render Confinement less grievous, as well as secure Prisoners: **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That the Honourable Col. *Charles Hammond,* of the Upper House, Mr. *Philip Hammond,* Mr. *Vachel Denton, Daniel Dulany,* Esq; and Mr. *Richard Warfield,* or the Major Part of them, shall be Commissioners, and are authorized and impowered by virtue of this Act, to purchase, for the Use of the Public, a convenient Piece of Ground within the City of *Annapolis,* whereon to build a Public Goal; and to agree for Materials, and with Workmen to complete and finish the said Prison; which Prison, when so built and finished, shall by the said Commissioners, be put into the Possession and Custody of the Sheriff of *Ann-Arundel* County, for the Time being; and so shall remain and continue in the Custody and Possession of such Sheriff, and his Successors.

to remain in Custody of the Sheriff of *Ann-Arundel* County.

Power of the Provincial Court to commit Persons to the Custody of the said Sheriff.

II. **Provided always,** That it shall and may be lawful for the Provincial Court, to commit any Prisoners for Debt, or for any other Cause whatsoever, to the Custody of the said Sheriff of *Ann-Arundel* County, to be by him in the said Prison detained, according to such Commitment; or to be remanded to any other Prison, as the Law or Nature of the case may require.

But not contrary to 1715, *ch.* 28.

III. **Provided always,** That this Act, or any Thing herein contained, shall not be construed to give the said Provincial Court any Power or Jurisdiction, contrary to the true Intent and Meaning of an Act entitled, *An Act for taking Special Bail in the several Counties of this Province, upon Actions or Suits depending in his Majesty's Provincial Court, and in the several County Courts of this Province*; against which Sheriff or Sheriffs, Actions or Prosecutions for the Escape of such Prisoners, may be brought or commenced, as in any other Case of Commitment and Escape, according to Law.

Money to be paid by the Commissioners of the Loan Office for Building the Goal.

IV. **And be it further Enacted,** That besides the Sum of Five Hundred Pounds Current Money, already appointed to be expended for Building a Prison for *Ann-Arundel* County, in and by the Act entitled, *An Act for emitting and making current Ninety Thousand Pounds Current Money of* Maryland, *in Bills of Credit,* a further Sum not exceeding One Thousand Pounds Current Money, shall be laid out to purchase convenient Ground as aforesaid, and to build a Goal thereon; which Sum of One Thousand Pounds, or so much

much thereof as shall be necessary for the Purposes aforesaid, shall be paid by the Commissioners or Trustees for Emitting the Bills of Credit, and their Successors; and as well the said Sum of Five Hundred Pounds, as the said further Sum of One Thousand Pounds, shall be paid to the Orders of the Commissioners aforesaid, or the Majority of them. CHAP. VI.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VII.

An Act relating to the Placing and Building a Prison in Somerset *County*. *Lib.* B.L.C. *fol.* 147. Passed 6th *May* 1736.

N. B. This Act directs the Goal for *Somerset* County, to be built at *Princess-Anne-Town*.

CHAP. VIII.

An Act enabling the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, to pay to the Representatives of several Counties, the Sum of Five Hundred Pounds each. *Lib.* B.L.C. *fol.* 147. Ditto.

CHAP. IX.

An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping and defacing Tobacco taken on board Ships or Vessels upon Freight. *Lib.* B.L.C. *fol.* 148. *EXP.* Ditto.

To be in Force 3 Years, *&c.* Continued 1740, *ch.* 10; 1744, *ch.* 7; and by 1747, *ch.* 26, till the 1st *December* 1748, when it expired at the Commencement of the Inspection Law.

CHAP. X.

An Act to cut off the Entail of a Tract of Land, lying in Dorchester *County, called* Anderton's Point, *containing One Hundred and Eight Acres, and to entail in lieu thereof One Hundred and Eleven Acres of Land, lying in the said County, being Part of a Tract called* Richardson's Choice. *Lib.* B.L.C. *fol.* 150. *PR.* Ditto.

CHAP. XI.

An Act for the Payment of a[t] *Sum of Money to* Andrew Ramsay, Henry Maccaul, *and* William Gordon, *of* Glasgow, *in the Kingdom of* Great-Britain, *Merchants*. *Lib.* B.L.C. *fol.* 150. *PR.* Ditto.

[t] *Viz.* To repay them 50 *l.* 15 *s.* Sterling, paid by them for the Duties of 290 Hogsheads of Tobacco, which were lost at Sea.

CHAP. XII.

An Act for the further Assessment of Twenty Thousand Pounds of Tobacco, on the Taxable Inhabitants of Durham *Parish, in* Charles *County, to be applied to the finishing of a new Church in the said Parish, already begun to be built*. *Lib.* B.L.C. *fol.* 151. *OBS.* Ditto.

CHAP. XIII.

An Act for the further Assessment of so much Money on the Taxable Inhabitants of King and Queen *Parish, in* St. Mary's *and* Charles *Counties, as will build a new Church in that Part of the Parish which lies in* St. Mary's *County, for the repairing of* Newport *Church in the same Parish, and to appoint a Time for the Freeholders to meet in Order to chuse a Place to build the said Church upon*. *Lib.* B.L.C. *fol.* 151. *OBS.* Ditto.

CHAP. XIV.

An Act for the building a Court-house and Repository for the Records in Leonard-Town, *in* St. Mary's *County*. *Lib.* B.L.C. *fol.* 153. *OBS.* Ditto.

CHAP. XV.

An Act to render the Navigation up Patuxent *River above* Queen-Anne *Town, in* Prince George's *County, more easy and effectual*. *Lib.* B.L.C. *fol.* 154. *PR.* Ditto.

Viz. To enable the *Patuxent* Iron-Work Company, to clear Roads, *&c.* on the Sides of the River, for dragging Boats, *&c.* up or down the River.

CHAP. XVI.

An Act to cut off the Entail of a Tract of Land, containing One Hundred and Thirty Acres, lying in Dorchester *County, being Part of a Tract of Land called* Goodridge's Choice, *and to entail, in lieu thereof, a Tract of Land called* The Hope, *containing Fifty Acres; also another Tract called* The Addition to the Hope, *containing One Hundred and Seventeen Acres; both lying in the said County of* Dorchester. *Lib.* B.L.C. *fol.* 155. *PR.* Ditto.

CHAP.

CHAP. XVII.

Passed 6th *May* 1736.

* 1732, *ch.* 17.

An Explanatory ACT of the Act, entitled, * An Act to encourage Adventurers in Iron-Works. *Lib.* B.L.C. *fol.* 156.

Preamble.

WHEREAS by the said Act it is Enacted, That no White Man or Slave, who should be employed in any Manner about Iron-Works, or in providing any Materials of any Nature or Kind soever, for the Furtherance and Carrying on any Iron-Work, or Making of Iron, should be obliged to clear, or assist in clearing, any Highways or Roads, or in building of any Bridge or Bridges; with Proviso, that no White Man or Slave, who should be employed in making Tobacco, should have any Exemption.

Abuses committed under colour of 1732, *ch.* 17, §. 2.

II. **And whereas**, it is represented to this General Assembly, That some Iron-Works are seated on Main Roads, and that several of the Inhabitants of this Province, living contiguous to such Works and Roads by them used, are not Makers of Tobacco, and yet occupy and tend Plantations, and that to screen themselves from clearing or repairing the Roads contiguous to Iron-Works, enter into the Service of the Undertakers of such Iron-Works, for some short Space of Time, whereby there are not a sufficient Number of Inhabitants left to clear the said Roads: For Remedy whereof for the future, it is prayed it be Enacted;

None but such as are constantly employed in Iron-Works, shall be exempt from clearing Roads, *&c.*

III. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That none of the Inhabitants of this Province, their Servants or Slaves, who are not in actual Service, or shall not be [z] constantly Employed in carrying on Iron-Works, shall be exempt from clearing and repairing the said Roads.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

[z] But by 1750, *ch.* 14, the Owners, *&c.* of Iron-Works are obliged to send One, out of every Ten labouring Persons employed in such Works, to assist upon Highways.

CHAP. XVIII.

Passed 6th *May*, 1736.

An Act for the Relief of Isaac Tunney, *a languishing Prisoner in* Talbot *County Goal*; William Pratt, *in the same Goal*; Richard Standforth, *in* Charles *County Goal*; *and* Samuel Steel, *in* Queen-Anne's *County Goal*. *Lib.* B.L.C. *fol.* 157. *PR.*

CHAP. XIX.

Ditto.

An Act for erecting a Town in Cæcil *County, on the North side of* Sassafras *River, at a Place known by the Name of* Pennington's Point, *on the Tracts of Land called* Buntington, *and* Happy Harbour. *Lib.* B.L.C. *fol.* 160.

N. B. By this Act, (1.) Certain Commissioners are appointed and impowered to purchase, (by Agreement with the Owner, or Valuation of a Jury) Thirty Acres of Land, out of the Tracts aforesaid, and the same to lay out into 60 equal Lots, to be erected into a Town. (2.) The Owners of the Land to have the first Choice, the remaining Lots to be taken up by others. (3.) No Person to take up more than one Lot during the first Four Months, nor any other than Inhabitants of the County within Six Months after laying out, and then any others may take up Lots, paying the Owners of the Land proportionably for the same, which shall give such Purchasers, their Heirs, *&c.* an absolute Estate in Fee-simple in such Lots, they complying with the Requisites of this Act. (4.) The Surveyor to return a Plat of the Town to the County Clerk to be kept by him among the County Records. (5.) In case any Takers-up do not build upon such Lots, within Two Years, a House to cover Four Hundred square Feet, with a Brick Chimney, then any other Person may enter upon such Lot, so not built upon, paying such Sum to the Commissioners, *&c.* as was first set thereon, for the Public Use of the Town: And such second Taker-up, building and finishing within Three Years such House as is by this Act limited and appointed, shall thereby acquire as good an Estate to him and his Heirs, as is by this Act before settled upon the first Taker-up and Builder. (6.) In case any Lots remain not taken up within 10 Years from the Publication of this Act, then shall the Owner of the Land be possessed and interested in such Lots as in his first and former Estate. (7.) The Town to be called *Frederick-Town*. (8.) The Commissioners to employ a Clerk, who shall make true Entries of their Proceedings, on Oath, which Entries to be made up in a bound Book, and lodged with the Clerk of *Cæcil* County Court, for the Inspection of any Person. (9.) A Saving of his Majesty's, the Proprietary's, *&c.* Rights. (10.) Possessors of Lots to pay One Penny Sterling *per Annum* to his Lordship for ever for each Lot. (11.) The Land to be laid out with as little Detriment as possible to such Persons as had already purchased Lots in the said Land, which former Purchasers to have as good Title to their several Lots as any After-Purchasers, by virtue of this Act, may have.

CHAP.

CHAP. XX.

An Act to prevent the Making of Seconds. Lib. B.L.C. *fol.* 162. *EXP.* To be in Force 3 Years, &c. Expired in 1740. Passed 6th *May* 1736.

CHAP. XXI.

An Act for erecting a Town in Kent *County, on the South side of* Sassafras *River, on a Tract of Land called* Tolchester, *at the Place where the Ferry is now kept. Lib.* B.L.C. *fol.* 162. Ditto.

N. B. By this Act, (1.) Certain Commissioners are appointed and impowered, to purchase, (by Agreement with the Owners, or Valuation of a Jury,) Sixty Acres of Land out of the Tract aforesaid, most convenient to the Ferry Landing, (not including some Lots already laid out and sold by *Gideon Pierce*, Gentleman, to sundry Persons) to be laid out into One Hundred Lots, and erected into a Town. (2.) The Owner of the Land to have the first Choice for two Lots, and after such Choice the remaining Lots to be taken up by others. No Person to take up more than One Lot within Four Months after laying out, and such Lots to be purchased by Inhabitants of the County; but in case such do not take up the Lots within Six Months after laying out, then any other Person may take up Lots, paying the Owners of the Land proportionably for the same. And such proportionable Payment shall give the Takers-up of Lots, their Heirs, or Assigns, an absolute Estate in Fee-simple in their Lots, they complying with the Requisites in this Act mentioned. (3.) The County Surveyor to return a Plat of the Town, and the Lots before laid out and sold as aforesaid, to the County Clerk; to be by him kept among the County Records. (4.) In case the Takers-up of Lots do not within Three Years, build upon their Lots, a House to cover Four Hundred square Feet, with a Brick Chimney thereto, t en may any other Person enter upon the Lots so not built on; paying to the Commissioners, or Person by them appointed to receive the same, such Sum as was originally assessed on such Lot, for the Public Benefit of the Town. Provided such second Taker-up do build and finish, within 7 Years after such his Entry made, such House as is by this Act afore appointed: Which House so built shall give such second Taker-up, his Heirs, &c. as good Estate as is by this Act settled upon the first Taker-up. (5.) If any of the said 100 Lots be not taken up during 10 Years, from the Publication of this Act, the Owner of the Land shall be possessed and interested in the same, as in his first or former Estate. (6.) The Town to be called *George-Town*. (7.) The Commissioners to employ a sufficient Clerk, sworn to make true and impartial Entries of their Proceedings, which Entries shall be made up in a well bound Book, and lodged with the County Clerk for the Inspection of any Person. (8.) Saving to the Crown, the Lord Proprietor, and all Bodies Politic and Corporate, and to all Persons that heretofore have purchased and conveyed to them any Lot aforesaid adjoining to the said 60 Acres, and all Persons not mentioned in this Act, their several Rights. (9.) Possessors of Lots to pay One Penny Sterling, *per Annum*, for every Lot, to the Lord Proprietor, and his Heirs, for ever. (10.) The former Purchasers of Lots near the Ferry Landing to have as good a Title to such Lots as any After-takers-up, by virtue of this Act, may have. And such Lots so heretofore taken up and conveyed, shall be reputed and taken as Part of *George-Town*.

CHAP. XXII.

A Supplementary Act to an Act, entitled, [h] *An Act for the Trial of all Matters of Fact in the Counties where they have arisen, or shall arise; the Continuance of Causes in the Provincial Court, and Adjournment of that Court, and for continuing the same; and for the Continuance of Causes in the Provincal and County Courts; and to enlarge the Time for taking out Execution. Lib.* B.L.C. *fol.* 165. *EXP.* Passed 6th *May* 1736.

[h] 1732, *ch.* 1, hereby continued 3 Years, &c. which, together with the present Act, expired in 1740.

CHAP. XXIII.

An Act to enlarge the Time of Shipping Tobacco this present Year. Lib. B.L.C. *fol.* 167. *EXP.* Ditto.

CHAP. XXIV.

An Act for the Payment of the Public Levy. Lib. B.L.C. *fol.* 167. Ditto.

At

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, the 26th Day of *April*, in the 22d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 28th Day of *May*, *Anno Domini* 1737. The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

Paſſed 28th *May* 1737.

An Act for the further explaining and carrying into Execution, [a] *An Act for laying out and applying Three Thouſand Five Hundred Pounds Current Money of* Maryland, *to the Uſes therein mentioned. Lib.* B.L.C. *fol.* 169.

[a] 1733, *ch.* 8. Explanatory Act 1735, *ch.* 2.

CHAP. II.

Ditto.

An ACT for the more effectual Puniſhment of certain Offenders, and for taking from them the Benefit of Clergy. *Lib.* B.L.C. *fol.* 170.

Preamble.

FORASMUCH as all the Laws heretofore made for the Puniſhment of Offenders, and for Securing honeſt Men in their juſt Property, are found by Experience to be inſufficient for thoſe Purpoſes; and that the poorer Sort of People, who are obliged, for want of better Conveniencies, to keep their Goods in Tobacco-Houſes, and other Out-Houſes, are more expoſed to be Pillaged and Robbed of their Subſtance than Perſons of greater Ability; and that conſiderable Part of the Property of People of all Conditions, are kept in Out-Houſes, not only remote from their Dwelling-Houſes, but alſo very weak in themſelves, and eaſily broken; which hath given frequent Opportunities to Offenders to break into ſuch Houſes, and to Steal from thence divers Goods and Chattels, to the utter undoing of ſome poor Perſons, and the prejudice of all Sufferers. And whereas ſeveral other Offenders have Stolen Boats and other Veſſels, and even Slaves; which Practice is of the moſt dangerous Tendency, and may, if not timely prevented, occaſion Piracies, and all Manner of Villanies; and that Offenders have been encouraged to commit the ſaid Crimes, by the Lenity of our Laws, and Expectation of having the Benefit of Clergy, when detected:

Penalty on Perſons breaking Tobacco, or other Out-Houſes, and ſtealing thence to the Value of 5 *s.* Sterling.

II. FOR the more effectual Prevention of which Crimes, and Puniſhment of ſuch Offenders as ſhall commit any of them; BE IT ENACTED, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That any Perſon or Perſons, who ſhall, after the Tenth Day of *September* next, break any Tobacco-Houſe, or other Out-Houſes whatſoever, and Steal from thence any Goods or Chattels, to the Value of Five Shillings Sterling; or who ſhall counſel, hire, command, aid, or abet, any Perſon or Perſons, to commit the ſaid Offences; or who ſhall be Acceſſaries to any of the ſaid Offences, and be thereof Convict, by Confeſſion, upon his, her, or their Arraignment, Verdict of a Jury, or be Out-lawed; or who ſhall obſtinately or of Malice ſtand Mute, or peremptorily Challenge above Twenty, ſhall ſuffer Death as a Felon or Felons, without Benefit of Clergy.

III. PRO-

III. **Provided always**, That such Tobacco-House, or other Out-Houses, shall be well Boarded, or otherwise substantially Built, and the Door or Doors thereof Secured with a Lock or Locks, or Bolted in the Inside, or Nailed. CHAP. II. Such Houses being well secured.

IV. **And be it likewise Enacted**, *by the Authority, Advice and Consent aforesaid*, That any Person or Persons, who, after the said Tenth Day of *September*, shall Steal any Ship, Sloop, or other Vessel whatsoever, out of any Place within the Body of any County within this Province, of Seventeen Feet, or upwards, by the Keel, and shall carry the same Ten Miles, or upwards, from the Place whence it shall be Stolen; or who shall Steal any Negro, or other Slave; or who shall counsel, hire, aid, abet, or command, any Person or Persons to commit the said Offences; or who shall be Accessaries to the said Offences, and shall be thereof legally Convicted, as aforesaid, or Out-lawed; or who shall obstinately, or of Malice, stand Mute, or peremptorily Challenge above Twenty, shall suffer Death as a Felon or Felons, and be excluded the Benefit of Clergy. Penalty on Persons Stealing Boats, &c. upwards of 17 Feet Keel; or Stealing Negroes.

V. **Provided always**, That when and as often as any Slave or Slaves shall be Convict for any Offence, contrary to this or any other Law, and shall be actually Executed, or who shall Die after Condemnation, and under Confinement in order for Execution, that the Owner shall be paid the full Value of such Slave or Slaves; such Value to be adjudged by the Court before whom the Fact shall be Tried, at the Time of the Condemnation of such Slave or Slaves. The full Value of Slaves actually executed, or dying under Sentence, to be paid to the Owner.

VI. **And be it further Enacted**, That the Treasurer or Treasurers of this Province, for the Time being, upon a Certificate from the Sheriff, of the Execution of any such Slave or Slaves, or the Death of such Slave or Slaves after Conviction, and under Confinement in order for Execution, immediately shall pay the Owner or Owners of such Slave or Slaves, what such Slave shall be valued at, as aforesaid, out of the Public Stock of this Province, in the Hands of such Treasurer or Treasurers, without Fee or Reward. The Treasurer to pay such Value, on Certificate of the Sheriff.

VII. This Act to continue Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1740, *ch.* 6; 1744, *ch.* 17; 1747, *ch.* 14; 1751, *ch.* 2; 1754, *ch.* 4; 1757, *ch.* 24; and 1762, *ch.* 5.

CHAP. III.

An Act for Docking the entail of a Tract of Land called Wilson's Grove, *in the County of* Ann-Arundel, *and vesting the same in* Lewis Duvall *in Fee-simple; and for settling other Lands and Tenements to the same Uses. Lib.* B.L.C. *fol.* 171. *P R* Passed 28th *May* 1737.

CHAP. IV.

An Act for securing the Rights and Inheritances of sundry Persons, to the Lots by them taken up, paid for, and built upon, in Leonard-Town, *in* St. Mary's *County. Lib.* B.L.C. *fol.* 173. Ditto.

N. B. The Proceedings of the Commissioners (by the Act of 1728, *ch.* 16,) through Negligence of their Clerk, having been very lately entered upon the County Records, this Act provides, that the Proceedings so Recorded shall be deemed good and valid; and the several Persons who did conform to the Directions of that Act, during it's Continuance, shall have an Estate of Inheritance in the several Lots by them taken up, paid for, and built on, as fully and effectually as if the same Proceedings had been entered and recorded among the County Records, within the Seven Years mentioned in that Act.

CHAP. V.

An Act impowering the Justices of Cæcil *County Court to levy on the Taxable Inhabitants of* St. Stephen's, North-Sassafras *Parish, the Sum of Two Hundred and Eighty Pounds Current Money of* Maryland, *at Two equal Assessments. Lib.* B.L.C. *fol.* 173. Ditto.

CHAP. VI.

An Act to impower the Justices of St. Mary's *County Court, to purchase Land whereon to build a Prison. Lib.* B.L.C. *fol.* 174. Ditto.

CHAP. VII.

Passed 28th May 1737.

A Supplementary Act to the Act, entitled, [b] *An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and to an Act, entitled,* [c] *An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves; and directing the Manner of Trying of Slaves. Lib.* B.L.C. *fol.* 175. *EXP.*

[b] 1729, *ch.* 4.
[c] 1723, *ch.* 15.

This Act was passed for 3 Years, &c. and continued by 1740, *ch.* 7; 1744, *ch.* 18; and 1747, *ch.* 16. A new Law was made 1751, *ch.* 14.

CHAP. VIII.

Passed 28th May 1737.

An Act to encourage the apprehending some [d] *Felons; and for trying Accessaries to Felonies by them committed before Conviction of the Principals. Lib.* B.L.C. *fol.* 178. *OBS.*

[d] *Viz. William* and *Edward Turner*, notorious Felons and Robbers at this Time.

CHAP. IX.

Ditto. *An Act for the Relief of* William Torvor, *of* London, *Merchant. Lib.* B.L.C. *fol.* 179. *PR.*

Viz. To reimburse him the Duties of 236 Hogsheads of Tobacco, lost in their Passage home.

CHAP. X.

Ditto. *A Supplementary Act to the Act, entitled,* [e] *An Act for Erecting a Town in* Kent *County, on the South side of* Sassafras *River, on a Tract of Land called* Tolchester, *at the Place where the Ferry is now kept. Lib.* B.L.C. *fol.* 180.

[e] 1736, *ch.* 21.

N. B. The Commissioners appointed by the original Act of 1736, *ch.* 21, having suffered the Time limited therein, to elapse, whereby the Act was rendered ineffectual, the present Act gave them farther Time, to the last of *October* 1737, with full Power to perform and do all the Requisites of the original Act.

CHAP. XI.

Ditto. *A Supplementary Act to the Act for Erecting a Town at* Joppa, *in* Baltimore *County. Lib.* B.L.C. *fol.* 181.

N. B. There being a Sum of Money in the Hands of the Town-Clerk, arising from Payments for Lots by second Takers-up, unapplied to the Use of the Town; and the major Part of the Commissioners being dead, the Money could not be applied as directed by the original Act of 1724, *ch.* 16; this present Act therefore impowers the Justices of *Baltimore* County Court, to receive and apply the said Money for the Use and Benefit of the said Town, &c.

CHAP. XII.

Ditto. *An Act to cut off the entail of Two Acres of Land, Part of a Tract called* New-Year's-Gift. *Lib.* B.L.C. *fol.* 182.

Viz. For the Use of *Queen-Caroline* Parish in *Ann-Arundel* County, being the Land whereon the Church is built.

CHAP. XIII.

Ditto. *A Supplementary Act to the Act, entitled,* [f] *An Act for the speedy and more effectual Publication of the Laws of this Province, and for the Encouragement of* William Parks, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 183. *EXP.*

[f] 1727, *ch.* 8; which expired in 1740.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 11th Day of *Auguſt*, in the 23d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 16th Day of the ſame Month, *Anno Domini* 1737: The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

CHAP. XIV.

An Act to [g] *prohibit the Exportation of Grain, Bread, and Flour. Lib.* B.L.C. *fol.* 185. *EXP.* Paſſed 16th *Auguſt* 1737.

[g] Till the laſt Day of *September* 1738.

CHAP. XV.

An Act repealing an Act, entitled, [h] *An Act for Limitation of the Time in Shipping Tobacco. Lib.* B.L.C. *fol.* 188. Ditto.

[h] 1735, *ch.* 20.

CHAP. XVI.

An Act for the Continuance of Actions in ſeveral County Courts in this Province. Lib. B.L.C. *fol.* 188. *OBS.* Paſſed 16th *Auguſt* 1737.

CHAP. XVII.

An Act for the Relief of John Bradford, *a languiſhing Priſoner in* Prince-George's *County Goal. Lib.* B.L.C. *fol.* 189. *PR.* Ditto.

CHAP. XVIII.

An Act for taking out of the Office of the Commiſſioners or Truſtees for emitting the Bills of Credit, the ſeveral Sums herein mentioned; and for repaying the ſame into the ſaid Office by the ſeveral Treaſurers of this Province. Lib. B.L.C. *fol.* 191. Ditto.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 23d Day of *April*, in the 25th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1740, and ended the 5th Day of *June* following, in the 26th Year of his Lordſhip's Dominion: The following Law was Enacted, *viz.* 1740.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

An Act for iſſuing and paying out of the Office of the Commiſſioners or Truſtees for emitting Bills of Credit, eſtabliſhed by Act of Aſſembly, the Sum of Two Thouſand Five Hundred and Sixty-two Pounds Ten Shillings, Current Money, in Bills of Credit; to be applied for the Encouragement of Perſons voluntarily inliſting themſelves in his Majeſty's Service. Lib. B.L.C. *fol.* 192. Paſſed 3d *June* 1740.

N. B. By this Act, a Sum not exceeding 2562 *l.* 10 *s.* was Granted for the inliſting, &c. of a Number, not exceeding 500 Volunteers, to ſerve in the intended Expedition againſt the *Spaniſh Weſt-Indies*. And Commiſſioners, *viz.* One in each County, were appointed and impowered to receive the ſaid Sum out of the Loan-Office, &c. Which Money was to be replaced and repaid into the Office by a public Aſſeſſment in the Years 1741 and 1742, &c.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 7th Day of *July*, in the 26th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1740, and ended the 29th Day of the ſame Month: The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

CHAP. II.

Paſſed 26th *July* 1740. *An Act for raiſing and iſſuing Money, for maintaining his Majeſty's Forces, to be raiſed in this Province; and for tranſporting them to the Place of Rendezvous in the* Weſt-Indies. *Lib.* B.L.C. *fol.* 197.

N. B. By this Act, a Sum not exceeding £. 5000 was Granted for the buying, finding, and providing Victuals, Tranſports, and other Neceſſaries, for the 500 Men to be raiſed in this Province, for his Majeſty's Service, for the Expedition againſt the Territories of the Catholic King in the *Weſt-Indies*: For the Inliſting of which, Proviſion had been made by an Act paſſed the preceding Seſſion, *viz.* 1740, *ch.* 1. The Hon^ble *Benjamin Taſker*, Eſq; Col. *King*, and Doctor *Carroll*, were appointed Agents for carrying this Act into Execution, and impowered to receive the ſaid Sum out of the Loan Office, &c. and for the Replacing and Repayment of the ſame into the Office, one Moiety of all the Duties on Rum, Spirits, Wine and Brandy, *Iriſh* Servants and Negroes imported, (which were by any former Acts applied for defraying the Public Charge) was appropriated, together with a Duty upon Ordinary Licences, until the ſaid Sum of £. 5000, &c. ſhould be fully paid and replaced, &c.

CHAP. III.

Ditto. *An Act for the Indemnity* [a] *of ſuch Perſons as ſhall be employed in tranſporting his Majeſty's Troops, to be raiſed in this Province, to the general Rendezvous in the* Weſt-Indies. *Lib.* B.L.C. *fol.* 204.

[a] *Viz.* From the Penalties in the Act of 1715, *ch.* 19, on tranſporting Perſons out of this Province without Paſſes.

CHAP. IV.

Paſſed 29th *July* 1740. *An Act for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 205. *EXP.*

To continue in Force till the laſt Day of *December* 1742.

CHAP. V.

Ditto. *An Act reviving an Act of Aſſembly of this Province, entitled,* [b] *An Act to prevent cutting up Tobacco Plants, deſtroying Tobacco, and Tobacco Houſes; and for aſcertaining the Puniſhment of Criminals guilty of the ſaid Offences. Lib.* B.L.C. *fol.* 207. *EXP.*

[b] 1732, *ch.* 8; hereby continued 3 Years, &c.

CHAP. VI.

Ditto. *An Act continuing an Act of Aſſembly of this Province, entitled,* [c] *An Act for the more effectual Puniſhment of certain Offenders, and for taking from them the Benefit of Clergy. Lib.* B.L.C. *fol.* 207. *EXP.*

[c] 1737, *ch.* 2; hereby continued 3 Years, &c.

CHAP. VII.

Ditto. *An Act continuing an Act of Aſſembly of this Province, entitled,* [d] *A Supplementary Act to the Act, entitled, An Act for the more effectual Puniſhment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and to an Act, entitled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves. Lib.* B.L.C. *fol.* 208. *EXP.*

[d] 1737, *ch.* 7; hereby continued 3 Years, &c.

CHAP. VIII.

Ditto. *An Act reviving an Act, entitled,* [e] *An Act to prevent the Injuring Harbours within this Province, and for repealing the Act therein mentioned. Lib.* B.L.C. *fol.* 209. *EXP.*

[e] 1735, *ch.* 16, hereby continued 3 Years, &c.

CHAP.

CHAP. IX.

An Act reviving an Act, entitled, [f] A Supplementary Act to the Act, entitled, An Act laying an Imposition on Negroes, and several sorts of Liquors imported; and also on Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province.* *Lib.* B.L.C. *fol.* 209. EXP. Passed 29th *July* 1740.

[f] 1735, *ch.* 6, hereby continued 3 Years, &c.

CHAP. X.

An Act for reviving an Act of Assembly of this Province, entitled, [g] An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping, and defacing Tobacco taken on board Ships or Vessels upon Freight. *Lib.* B.L.C. *fol.* 210. *EXP.* Ditto.

[g] 1736, *ch.* 9, hereby continued 3 Years, &c.

CHAP. XI.

An Act for the Benefit of the Poor, and Encouragement of Industry. *Lib.* B.L.C. *fol.* 210. *EXP.* Ditto.

To remain in Force for 3 Years: Continued by 1744, *ch.* 19; and expired *July* 1747.

CHAP. XII.

An Act for the Relief of Samuel Deavor, *a languishing Prisoner in* Anne-Arundel *County Goal*; Michael Taylor, *a languishing Prisoner in* Prince George's *County Goal*; William Burros, *a languishing Prisoner in* Kent *County Goal*; James Carter, *a languishing Prisoner in* Cæcil *County Goal*; Sarah Butcher, *a languishing Prisoner in* Dorchester *County Goal*; *and* William Biggs, *a languishing Prisoner in* St. Mary's *County Goal.* *Lib.* B.L.C. *fol.* 211. *PR.* Ditto.

At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, the 26th Day of *May*, in the 26th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Anno Domini* 1741, and ended the 22d Day of *June* following, in the 27th Year of his Lordship's Dominion: The following Laws were Enacted. 1741.

SAMUEL OGLE, Esq; Governor.

CHAP. I.

An Act to enable the Visitors of the Free-School of Kent *County, for the Time being, to lease one Moiety of the Land, except Ten Acres, belonging to the same School.* *Lib.* B.L.C. *fol.* 215. Passed 22d *June* 1741.

N. B. By this Act, (1.) The Visitors, or major Part of them, are impowered to divide and lay out all that Northermost, or Uppermost Moiety of the School Land, except Ten Acres, into so many convenient Lots, not exceeding 3 Acres to a Lot, as to them shall seem meet; and the same to Number and Distinguish by the Numbers 1, 2, 3, &c. and to demise or lease out the same to the highest Bidders, Ten Days public Notice being first given, for any Term, not exceeding 21 Years, under such Yearly Rents as the Visitors, or major Part of them, shall think proper. (2.) All Leases so made of the Land aforesaid, shall be good and valid to the Persons taking the same, for the Terms therein mentioned, and shall be binding on the School-master, for the Time being. (3.) The Rents arising from such Leases shall be applied to the Use of, and paid to the Master of the said School, for the Time being, and not otherwise: And in case of a Vacancy during such Terms, the Monies arising from such Leases, during such Vacancy, shall be paid to the Visitors, and by them be applied to the Use and Benefit of the School, as to them, or the major Part of them, shall seem meet.

CHAP. II.

An Act for laying out and applying a Sum, not exceeding Two Hundred and Fifty Pounds Current Money, to the [a] Uses therein mentioned. *Lib.* B.L.C. *fol.* 216. Ditto.

[a] *Viz.* Repairing the Public Buildings in *Annapolis*

CHAP.

CHAP. III.

Passed 22d June 1741. *An Act to cut off the entail of a Parcel of Land, called* Roper's Neck, *and to enable* Benjamin Howard, *to convey the same in Fee, in Exchange for other Lands. Lib.* B.L.C. *fol.* 216. *PR.*

CHAP. IV.

Ditto. *An Act for the Relief of* John Blandford, *and* Hannah Ratcliff. *Lib.* B.L.C. *fol.* 217. *PR.*

CHAP. V.

Ditto. *An Act for the continuance of* Baltimore *County Court,* Cæcil *County Court,* Kent *County Court, and* Queen-Anne's *County Court, from the first, third, and fourth, Tuesdays in* June *next, until the first, third, and fourth, Tuesdays in* August *next. Lib.* B.L.C. *fol.* 218.

CHAP. VI.

Ditto. *An Act impowering the Three Commissioners herein mentioned, together with the Justices of* Calvert *County, to repair the Court-house of that County, by an Assessment on the Inhabitants thereof. Lib.* B.L.C. *fol.* 219.

CHAP. VII.

Ditto. *An Act impowering the Justices of* Prince-George's *County, to levy on the Taxable Inhabitants of* Queen-Anne *Parish, in the said County, the Sum of One Hundred Pounds Current Money of* Maryland, *for the Uses therein mentioned. Lib.* B.L.C. *fol.* 219.

CHAP. VIII.

Ditto. *An Act for the cutting off the entail, and investing an Estate of Inheritance in Fee-simple, in Part of a Tract of Land called* Cooper's Purchase, *in* Thomas Spalding *and* Catherine *his Wife; and to entail other Lands, lying in* St. Mary's *County, in lieu thereof. Lib.* B.L.C. *fol.* 220. *PR.*

CHAP. IX.

Ditto. *An Act investing* Archibald Douglass *of* Cæcil *County, Son and Heir of* William *and* Mary Douglass, *deceased, with an Estate in Fee-simple, in the one Moiety of a Tract of Land called* The Level, *or* Scutt's Level, *lying in* Baltimore *County. Lib.* B.L.C. *fol.* 221. *PR.*

CHAP. X.

Ditto. *An Act to cut off and bar the entail of Part of a certain Tract of Land, called* William's Range, *in* Prince-George's *County; and to settle other Lands in lieu thereof. Lib.* B.L.C. *fol.* 222. *PR.*

CHAP. XI.

Ditto. *An Act for the Relief of* Nicholas Hammond, Peter Topping, Edward Cowley, Henry Templeman, William Bafoot, Anne Rind, *Widow, and* Mary Penn, *languishing Prisoners in* Anne-Arundel *County Goal*; Joseph Maclester, *a languishing Prisoner in* Somerset *County Goal*; *and* Patrick Mackey, *a languishing Prisoner in* Cæcil *County Goal. Lib.* B.L.C. *fol.* 224. *PR.*

CHAP. XII.

Ditto. An ACT for the Relief of *Charles Sewall* of *St. Mary's* County, Esq; and other Purposes therein mentioned. *Lib.* B.L.C. *fol.* 227.

Preamble. WHEREAS it hath been made appear to this General Assembly, That *Henry Sewall*, Esq; Deceased, Grandfather to the said *Charles Sewall*, was seized in his Demesne as of Fee, of and in a Tract of Land called *Darby*, lying in *Dorchester* County, containing Three Thousand Acres according to the Grant or Patent thereof; which same Land was, by the said *Henry Sewall*, Devised in Fee-simple to *Jane* his Wife, Grandmother to the said *Charles Sewall*, and descended from the said *Jane* to *Nicholas Sewall*, late of *St. Mary*'s County, Esq; Deceased, Father of the said *Charles Sewall*, and was, by the said *Nicholas Sewall*, Devised to be Sold for the Payment of his Debts: That the said Tract of Land was by virtue of an Act of Assembly made in the Year of our Lord, One Thousand Six Hundred and Sixty-nine, Settled on and Appropriated to the Use of the *Choptank*

Choptank Indians, in view of keeping them in Peace and Amity with the Inhabitants of this Province. CHAP. XII.

II. **And whereas** the said *Nicholas Sewall* in his Life Time, was satisfied and paid by the Public for a Tract of Land called *Indian Neck*, containing Six Hundred Acres, included in the Survey of the said Tract called *Darby*, and that there remains no more of the said Tract called *Darby*, exclusive of the said Six Hundred Acres and Water, than Two Thousand and Thirty-two Acres, which said Two Thousand and Thirty-two Acres, are Bounded as follows, *viz.* Beginning at a Point of Marsh, being the uppermost Bound of a Tract of Land laid out for *Jerome White*, Esq; and running up the River, binding therewith, to *Sewall*'s Creek, thence up the said Creek and Branch thereof, binding therewith till it intersect a South East Line drawn from the Mouth of the said Creek, at the distance of Six Hundred and Forty Perches, ran on the said South East Line, thence South West Seven Hundred and Fifty Perches, till it intersect a South East Line drawn from the Place of Beginning, and with that Line to the said Beginning, containing Two Thousand and Thirty-two Acres of Land, exclusive of *Indian Neck*, for which no Satisfaction or Compensation appears ever to have been made to those who have the Estate of the said *Henry Sewall*. And for that it is agreeable to natural Equity and Justice, that the Public should make Satisfaction for the said Land, whereof the Owner was Divested for the Public Safety;

610 *l.* Currency to be paid Mr. *Sewall*, for Lands settled on the *Choptank Indians*.

III. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the said *Charles Sewall*, his Executors, Administrators or Assigns, shall be paid the Sum of Six Hundred and Ten Pounds Current Money of this Province, to be Paid with all convenient Speed by the Commissioners or Trustees for Emitting the Bills of Credit, to the said *Charles Sewall*, his Executors, Administrators or Assigns, and re-paid to the said Commissioners or Trustees, by the Treasurers of this Province, out of the Public Stock thereof, so soon as they shall have the same in their Hands, after the Payments already directed by any Act of Assembly heretofore made, shall have been made, in full Satisfaction and Compensation for the said Two Thousand and Thirty-two Acres of Land; which same Money, so to be Paid, shall be subject to such Disposition and Application as the said *Nicholas Sewall* hath Directed and Appointed by his Last Will and Testament.

When the *Indians* totally desert the Lands, they shall be sold for the Use of the Public.

IV. **And be it further Enacted**, *by the Authority aforesaid*, That when the *Indians*, commonly called the *Ababcoes*, *Hutsawaps*, and *Tequassimoes*, for whose Use the said Land was settled and taken from the Owner thereof, shall totally Leave and Desert the same, that the same Land shall be Sold and Disposed of by Commissioners or Trustees to be appointed by the Assembly, and that the Money arising by the Sale thereof, shall be applied to Reimburse the Public the Money directed by this Act to be Paid to the said *Charles Sewall*.

V. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That when the said *Indians*, commonly called the *Ababcoes*, *Hutsawaps*, and *Tequassimoes* as aforesaid, for whose Use the said Land called *Indian Neck*, was settled and taken from the Owner thereof, shall totally Leave and Desert the same, that the same Land shall be Sold and Disposed of by Commissioners or Trustees to be appointed by the Assembly, and that the Money arising by the Sale thereof shall be applied to Reimburse the Public, what was Paid by the Public to the said *Nicholas Sewall*.

A Saving of Rights.

VI. **Saving** to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and all Bodies Politic and Corporate, and all others not mentioned in this Act, their several and respective Rights.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XIII.

Passed 22d *June* 1741. *An Act for the Assessment and Payment of the Public Charges of this Province.* *Lib.* B.L.C. *fol.* 228. *DISSENT.*

Proclamation of the Dissent, is dated 17th *April* 1742: But the Collection and Payment hereof was enforced by the Act of 1742, *ch.* 1.

1742. At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 21st Day of *September*, in the 28th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 29th Day of *October*, *Anno Domini* 1742: The following Laws were Enacted.

THOMAS BLADEN, Esq; Governor.

CHAP. I.

Passed 30th *Sept.* 1742. *An Act to enforce the Collection and Payment of the Public Charge of this Province, pursuant to an Act of Assembly, entitled,* [a] *An Act for the Assessment of the Public Charge of this Province, made at a Session of Assembly begun and held at the City of* Annapolis, *the 26th Day of* May, Anno Domini 1741. *Lib.* B.L.C. *fol.* 230.

[a] 1741, *ch.* 13.

CHAP. II.

Passed 29th *October* 1742. *An Act reviving an Act of Assembly of this Province, entitled,* [b] *An Act for the speedy Recovery of small Debts, out of Court, before a single Justice of the Peace.* *Lib.* B.L.C. *fol.* 231. *EXP.*

[b] 1732, *ch.* 27, hereby continued 3 Years, &c.

CHAP. III.

Ditto. *An Act for reviving an Act of Assembly, entitled,* [c] *An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law; and for reviving and continuing the* [d] *Supplementary Act thereto.* *Lib.* B.L.C. *fol.* 232. *EXP.*

[c] 1714, *ch.* 4: [d] 1728, *ch.* 24; both which are hereby continued for 3 Years, &c.

CHAP. IV.

Ditto. *An Act for the Advancement of Justice.* *Lib.* B.L.C. *fol.* 233. *EXP.*

To continue in Force 3 Years, &c. Farther continued by 1746, *ch.* 2; and 1750, *ch.* 4. A new Law was made 1753, *ch.* 2.

CHAP. V.

Ditto. *An Act to prevent the Exportation of* Indian *Corn, for the* [e] *Time therein limited.* *Lib.* B.L.C. *fol.* 236. *EXP.*

[e] *Viz.* Till the 1st *July* 1743.

CHAP. VI.

Ditto. *An Act to revive an Act of Assembly of this Province, entitled,* [f] *An Act for the better Relief of poor Debtors.* *Lib.* B.L.C. *fol.* 238. *EXP.*

[f] 1722, *ch.* 13, hereby continued 3 Years, &c.

CHAP. VII.

Ditto. An ACT to prevent the ill Practices of Sheriffs, in the Collecting and Payment of the Public and County Levies. *Lib.* B.L.C. *fol.* 239.

Preamble. WHEREAS by an Act, entitled, *An Act for emitting and making Current Ninety Thousand Pounds, Current Money of* Maryland, *in Bills of Credit*, It is, amongst other Things, Enacted, That the said Bills

Bills of Credit ſhould paſs in Payment, Satisfaction, and Diſcharge of all Contracts, after Publication thereof, within this Province, for Current Money; and that all or any of the Inhabitants of this Province might, and by the ſame Act were enabled to, diſcharge all Levies, (the Forty per Poll, and all Tobacco directed by any Act of Aſſembly of this Province, to be levied and applied to the Building and Repairing of any Church or Churches therein, excepted) in the ſaid Bills of Credit, or Gold or Silver; and that all Bounties, Rewards, and Allowances, given and allowed by any Act of Aſſembly of this Province; and alſo all Fines, Forfeitures and Penalties, ſettled and eſtabliſhed in Tobacco by any Law of this Province, ſhould and might be paid, ſatisfied, and diſcharged, in the ſaid Bills of Credit, or Gold and Silver, rating Tobacco at Ten Shillings per Hundred, and in Proportion for a leſſer Quantity; with Proviſo, that no Perſon ſhould be obliged to pay the ſaid Bills of Credit, Gold or Silver, in lieu of Tobacco; but that every ſuch Perſon ſhould be at Liberty to pay Tobacco for the ſaid Levies and Penalties, as if the ſaid Act had never been made; but that every Perſon who ſhould not tender or pay ſuch Bills of Credit, or Gold or Silver, by the Tenth Day of *April* yearly, during the Continuance of that Act, ſhould be obliged to pay all Levies in Tobacco, as if that Act had never been made. CHAP. VII.

II. **And whereas** ſeveral of the People of this Province, liable to pay the Public and County Levies, have alſo Allowances made to them in the Public or County Levies, by Laws now in Being, for certain Services to the Country, and moſt juſtly conclude, that the ſeveral Sheriffs ſhould and ought to diſcount with them for ſo much Tobacco as they are allowed in their Hands, or ſo much as will diſcharge that Part of their Levy as is by the ſaid Act to be paid in Money, at the Rate of Ten Shillings per Hundred, be it before or after the Tenth Day of *April* yearly; yet, ſo it is, that the ſaid Sheriffs, or ſome of them, have inſiſted to pay, and have paid, to the ſaid Inhabitants, their whole Allowances aforeſaid in Money, at the Rate of Ten Shillings per Hundred, and at the ſame Time demanded from, and obliged the People to pay, either the whole of the Tobacco they ſtand charged with for Public or County Levies, or ſuch high and exorbitant Prices for ſuch Tobacco, as they were pleaſed to put thereon: For the Remedy of which Evil, Undue Practices of Sheriffs.

III. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, when, and as often as any of the Inhabitants aforeſaid ſhall have any Allowance or Allowances in the Public or County Levies, for any Sum or Sums of Current Money or Tobacco, which may be paid and diſcharged in Money at the Rate aforeſaid, and ſuch Inhabitants at the ſame Time are charged or chargeable with any Sum or Sums of Tobacco, in ſuch Levies, which by the afore-recited Act may be payable in Money, before or by the Tenth Day of *April* yearly, the ſeveral and reſpective Sheriffs within this Province, ſhall, and are hereby obliged and required to make and give unto ſuch Inhabitants, and every of them, a Diſcount or Allowance for ſuch Tobacco, ſo far forth as their reſpective Allowance or Allowances aforeſaid, in the Public or County Levies ſhall come to, either before or after the Tenth Day of *April* yearly; the before-recited Act, or any other Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Sheriffs ſhall diſcount Public and County Levies, out of Public or County Allowances.

IV. **And forasmuch** as the Public and County Levies (except before excepted) are now payable in Tobacco, or Money at the Rate of Ten Shillings per Hundred, at the Election of the People who are to pay the ſame: To the End therefore, that the Public and County Creditors, or ſuch Perſons who have Allowances made to them in ſuch Public or County Levies, may be informed how much thereof hath been paid in Tobacco, and how much in Money, and thereby know what Proportion or Share of ſuch their reſpective Sheriffs to make out two Liſts upon Oath of Taxables, ſetting down the Tobacco chargeable on each,

CHAP. VII.

and the respective Sums of Money or Tobacco paid by each; and deliver one of them to the Court, and set up the other at the Court-House Door, on the first Day of every *June* Court.

spective Allowances, they are, or ought, to receive in Tobacco, and what Proportion in Money; **Be it Enacted**, *by and with the Authority, Advice and Consent aforesaid*, That the several Sheriffs within this Province, shall, and are hereby obliged and required, on the first Day of *June* Court, yearly hereafter, during the Continuance of this Act, to make out Two fair Alphabetical Lists of the Names and Sirnames of the several Persons within their respective Counties, who are charged or chargeable with any Public or County Levies or Taxes, and shall set down, in different Columns, to each Name in such List, the Sum of Tobacco with which every such Person is charged, for such Public and County Levies, and the Sum of Money, if any, which such Person had paid to such Sheriff, in Discharge of that Tobacco, on or by the Tenth Day of *April*, then next preceding the Court aforesaid, one of which Lists such Sheriff shall deliver to the Justices of the same Court, and shall, before them, make Oath, to the best of his Knowledge, to the Truth thereof; and the other shall, by such Sheriff, be set up at the Court-House Door of the same County, or other public Place of such Court-House, for the inspection of all Persons concerned.

And shall pay Public, &c. Creditors, Tobacco and Money, in Proportion to the whole.

V. **And** that the said Sheriffs, and every of them, shall, and are hereby obliged to allow, pay, and discount, unto every particular Public or County Creditor, within his County, such a Sum of Money, in Discharge of his or her Public or County Allowance, as shall bear the like Proportion to the whole of such Allowance, as the whole Sum of Money so paid to such Sheriff, by or before the Tenth Day of *April*, then next preceding, bears to the whole of the Public and County Charge, in that County, payable in Money, doth amount unto.

Sheriffs shall set up Notes of a certain Day in each Week, on which they will attend at the Court-House for receiving the Levies.

VI. **And whereas** it hath been the Practice of some Sheriffs, when the Tenth of *April*, or Time limited for their receiving Money in Discharge of the Public and County Levies, drew nigh, to absent themselves from their Dwelling-Houses, or Places of Abode, whereby many People were prevented from having the Benefit of the said Act: For Remedy whereof, **Be it Enacted**, *by the Authority, Advice, and Consent aforesaid*, That the Sheriff of every County, his Deputies, or Under-Sheriffs, on or before the first Day of *March* yearly, during the Continuance of this Act, shall, and are hereby required and obliged to make and set up, public Notes or Advertisements at the several Church-Doors, Mill-Doors, and other Public Places of the several and respective Districts, in the several Counties appointed for such Deputies or Under-Sheriffs to act in; and thereby give Notice, That the High-Sheriff, or Under-Sheriff, shall give constant Attendance at the Court-House, on a certain Day, to be in the said Notice mentioned, in every Week, except the Week wherein the *March* Court for that County is held, from the Hour of Nine of the Clock in the Morning, to Five in the Afternoon, from the said first Day of *March*, to the Tenth Day of *April* aforesaid inclusive, and for Two Days (except Sunday) next before the Tenth Day of *April* aforesaid, then, and there, to receive from the Inhabitants of such respective Districts, their several and respective Quotas, or Sums of Money, by them due and payable for their Public or County Levies, or such Parts or Shares thereof as they shall think fit to pay.

Persons tendering their Money Quotas before 10th *April*, (and the Sheriff refusing, &c.) shall have their Election to pay either in Tobacco or Money.

VII. **And be it further Enacted**, That if any of the Inhabitants of such respective Districts, shall at any Time, on or before the Tenth Day of *April* yearly, tender, or offer to pay their respective Quotas, or Sums of Money, or any Part thereof, due for their respective Public or County Levies, to the High-Sheriff of the County, or to any of his Deputies, or Under-Sheriffs, at the Dwelling-house of such High-Sheriff, or at the Court-house, in the Week wherein *March* Court is held for that County, or to the Deputy, or Under-Sheriff, at the Place and Time so as aforesaid appointed to receive the same, so as such Tender be made in the Presence of one or more credible Witness

Witneſs or Witneſſes, and ſuch Sheriff, Deputy, or Under-Sheriff, ſhall refuſe or neglect to receive the ſame, ſo tendered or offered as aforeſaid to be paid, then, and in every ſuch caſe, ſuch Perſon or Perſons ſo tendering or offering, ſhall not at any Time afterwards be obliged to pay Tobacco for ſuch Public or County Levy, or for ſo much thereof as he or ſhe had tendered Money for as aforeſaid, but ſhall for ever afterwards be at Liberty, and have his or her Election to pay the ſame in Tobacco, or Money, as he or ſhe ſhall think fit. CHAP. VII.

VIII. This Act to be, and continue in full Force, for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years. Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1746, *ch.* 5; 1750, *ch.* 2; and by 1753, *ch.* 5, it was continued in Force during the Paper Money Act of 1733, *ch.* 6, which expired the 29th *September* 1764. But it is virtually continued by the Inſpection Law of 1763, *ch.* 18, §. 28, which obliges all Sheriffs to *do and perform every Thing required of them to be done,* (by the above Act) *ſo far as relates to Diſcounting with the Inhabitants, making out and delivering Liſts of all Tobacco with which the People are charged for Public and County Levies, and of the Money by them paid, or Certificates returned (by thoſe who make no Tobacco) on or before the Tenth Day of* April, *in Diſcharge thereof, Attendance to receive the Dues, and the Payment thereof in Money and Tobacco, in Proportion to thoſe who have Public Allowances.*

CHAP. VIII.

An Act for the Trial of all Matters of Fact, in the ſeveral Counties where they have ariſen, or ſhall ariſe. Lib. B.L.C. *fol.* 242. *DISSENT.* Paſſed 29th *October* 1742.

CHAP. IX.

An Act enabling the Juſtices of Cæcil *County, to levy on the Taxable Inhabitants of* St. Mary-Anne's *Pariſh, in the County aforeſaid, the Sum of Eight Hundred Pounds. Lib.* B.L.C. *fol.* 247. Ditto.

Viz. At Three ſeveral Annual Levies, together with the Sheriff's Salary at 5 per Cent, for erecting, building, and finiſhing a new Brick Church, in the ſaid Pariſh, in the ſame Place where the old one now ſtands.

CHAP. X.

A Supplementary ACT to the Act, entitled, * An Act for the repairing the Damages already ſuſtained in the Records of the Land, Secretary's, Commiſſary's, and County Court, Offices, and for Security of the ſame Records for the future. *Lib.* B.L.C. *fol.* 248. Ditto.

* 1716, *ch.* 1.

WHEREAS the Inhabitants of this Province have been at great Expence and Charge in repairing, amending, and compleating, the Records of the Land, Secretary's, Chancery, Commiſſary's, and County Court, Offices, and that on the well and ſafe keeping of which Records, and ſuch as hereafter ſhall be entered and made, greatly depend the Fortunes, Intereſt and Eſtates of the People of this Province. And whereas it is not only neceſſary and requiſite, that the Books for Entering and Recording in, ſhould be good and well Bound, but that likewiſe true and legal Entries and Records be entered and made by the ſeveral and reſpective Officers and Clerks holding the ſaid Offices, their Servants, Clerks or Under-writers: And whereas ſo great a Part of the Eſtates and Intereſt of the good People of *Maryland,* depend on the faithful and due Execution of the Truſt committed, and to be committed, to the reſpective Officers and Clerks in the ſaid ſeveral and reſpective Offices; and that it does not appear to this General Aſſembly, that the Penalty in the Bonds, to be given by the ſeveral and reſpective Officers and Clerks, by Direction of the ſaid Act for repairing the Damages already ſuſtained in the Records of the Land, Secretary's, Commiſſary's, and County Court, Offices, and for Security of the ſame Records for the future, is equal to the Truſt repoſed in them, or the great Share and Intereſt which the People, of Right, have in the ſame Records; nor that the ſaid Bond is for the due Execution of the Offices of the ſaid reſpective Officers Preamble.

CHAP. XLIV

and Clerks, in relation to the making true, lawful and faithful Entries and Records, according to the Intention of the ſame Act, as appears, and on which depends intirely the Uſefulneſs of the ſame Records:

The undernamed Officers ſhall not take upon them the keeping of the Records, &c. till they have firſt given Security in the following Sums:

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the laſt Day of *March*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Forty-three, it ſhall not be lawful for the Secretary, Regiſter in Chancery, Commiſſary, Regiſter of the Land-Office, or other Perſon who ſhall be appointed to receive the Fees of the ſame Land-Office, or the ſeveral and reſpective County Clerks, within this Province, their Deputies, Officers, or Under Clerks, who ſhall have the keeping of the ſaid Secretary's, Chancery, Commiſſary's, Land, or County Court, Offices, committed to them, to take upon themſelves the keeping any of the ſaid Records, or to receive or apply to their Uſe any of the Fees, Profits or Benefits, ariſing, or to ariſe, from their ſaid ſeveral and reſpective Offices, until ſuch Secretary, Regiſter in Chancery, Commiſſary-General, Regiſter in the Land-Office, or the Perſon or Perſons to whom the Care and Keeping of the ſaid Land-Office is or ſhall be committed, by what Denomination ſoever he or they may or ſhall be called, and the ſaid ſeveral and reſpective County Clerks within this Province, or ſuch County Clerks as ſhall hereafter be appointed, whether for any Counties now being, or which ſhall hereafter be laid out, appointed, or nominated, have entered into Bond, with Two good, able and ſufficient Sureties, being Perſons of viſible and landed Eſtates within this Province, in the Name of the Lord Proprietary, *That is to ſay*, The Secretary for the Provincial Office, in the Sum of Three Thouſand Pounds Current Money; the ſame Secretary, Regiſter in Chancery, or whoever receives the Profit and Benefit of the Fees accruing in the Chancery-Office, in the Sum of One Thouſand Pounds Current Money; the Commiſſary-General, for the Commiſſary's-Office, in the Sum of Three Thouſand Pounds Current Money; the Regiſter of the Land-Office, or by whatever other Denomination the Perſon or Perſons is, are, or ſhall be called, to whom the ſaid Office and Perquiſites is, are, or ſhall be committed, in the Sum of Three Thouſand Pounds Current Money; and the ſeveral and reſpective County Clerks within this Province, now being, or who ſhall hereafter be nominated or appointed, reſpectively, whether of Counties now laid out or appointed, or of Counties which hereafter ſhall be laid out and appointed, in the Sum of One Thouſand Pounds Current Money: All which Bonds reſpectively, ſhall be Conditioned as follows;

Secretary 3000*l.*

Regiſter in Chancery 1000*l.*

Commiſſary-General 3000*l.*

Regiſter of the Land-Office 3000*l.*

County Clerk 1000*l.*

Condition of the Bond.

" *The Condition of the above Obligation is ſuch, That if the above bounden* " *whilſt he ſhall continue in the Office of ſhall at his* " *own proper Coſt and Charge, find a Supply of good and ſufficient Record Books,* " *neceſſary for the Entring up of all Matters and Things relating to ſuch* " *Office, and ſhall and will make, or cauſe to be made and entred, true, legal and* " *perfect Records and Entries, according to the Truth and Nature of the Matter* " *or Thing requiring to be Entred or Recorded, and ſhall duly and carefully look* " *after, ſuſtain, preſerve, repair and maintain all the ſeveral Books, Papers and* " *Records, now being and remaining in the ſaid Office, as alſo all thoſe that from* " *Time to Time, during his Continuance in the ſaid Office, ſhall be added thereunto,* " *in ſuch Manner, as that in caſe of Death or that he ſhall be legally diſmiſſed* " *from officiating longer in the ſaid Office, he the ſaid his Executors* " *or Adminiſtrators, ſhall ſurrender and deliver up, or cauſe to be ſurrendered and* " *delivered up, to the next Perſon who ſhall ſucceed him in the ſaid Of-* " *fice, all the Papers and Record Books now being in the ſaid* " *Office, in good Order and Repair, as alſo all ſuch other Papers and Record Books* " *which ſhall be by him added, in like good Order and Repair, with the Records and* " *Entries faithfully, legally and truly made up and entred during the Time he hath* " *officiated in the ſaid Office, without Favour or Affection, but ac-*

" *cording*

" cording to the Truth, the Nature of the Thing, and the Duty of his Office, and " all other the Duties of his said Office legally, duly, and faithfully shall Dis- " charge, according to Law, and the true Intent and Meaning of the Acts of As- " sembly in such cases made and provided, that then the above Obligation to be Void " and of none Effect, or else to be and remain in full Force and Virtue in Law."

III. **And be it further Enacted,** *by the Authority aforesaid,* That the said Bonds shall be Passed, Proved, Recorded and Sued in the same Manner and Form, as directed by the aforementioned recited Act *for Repairing the Damages already sustained in the Records of the Land, Secretary's, Commissary's, and County Court, Offices, and for Security of the same Records for the future*; and likewise that Copies of such Bonds, attested under the Hand and Seal of the Office of either the Clerk of the Provincial or County Courts, shall be good Evidence in Law, to maintain any Action of Debt to be brought for any Breach or Breaches of the Condition aforesaid, according to the Direction of the said Act, and that likewise the Sureties be subject to the Proviso in the said Act.

Such Bonds to be passed, proved, &c. according to 1716, *ch.* 1.

Attested Copies, to be good Evidence.

IV. **Be it further Enacted,** *by the Authority aforesaid,* That as often as the several and respective Justices of the several and respective County Courts within this Province shall see Cause, they shall oblige the several and respective Clerks of the Counties aforesaid, to renew such Bonds with other Sureties, where they Disapprove the Ability or Sufficiency of such Sureties, from Time to Time, as the Nature of the case may require, and the said Clerks respectively are hereby obliged in such case to renew such Security, to the Approbation of the respective Justices aforesaid.

County Courts, if they see Cause, may oblige their Clerks to give fresh Security.

V. **Provided also,** That where the Public or County shall sue the aforesaid Bond, that neither shall be burthened with Costs.

But the Public, &c. not to pay Costs.

VI. **And be it further Enacted,** *by the Authority, Advice and Consent aforesaid,* That as often as the Provincial Justices, for the Time being, shall see Cause, they shall and may oblige the Secretary, Commissary-General, Register in Chancery, Register in the Land-Office, or whoever shall receive the Fees and Perquisites of the said Offices respectively, to renew such Bond or Bonds with other Surety or Sureties, where they Disapprove the Ability or Sufficiency of such Securities, from Time to Time, as the Nature of the case shall require, and the said Secretary, Commissary-General, Register in Chancery, Register in the Land-Office, or whosoever shall have and receive the Fees and Perquisites of the same Offices, are and shall be hereby obliged to renew such Security when required as aforesaid.

The Provincial Court, on apparent Cause, may oblige the Secretary, Commissary, &c. to give fresh Security.

VII. **Provided always, and be it likewise Enacted and Declared,** *by and with the Authority, Advice and Consent aforesaid,* That when or as often as any of the Bond or Bonds to be given by virtue of this Act, shall be sued, and Judgment on them or any of them rendered, that the Penalties in such Bond or Bonds, or any Part thereof, shall not be applied to any other Use than the making good the Damage which may be suffered by the Public, Counties, or private Person or Persons, according to the true Intent and Meaning of this and the former Act in that case made and provided.

The Penalty of such Bonds (on Recovery) shall only be applied to make good Damages sustained.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XI.

An Act for laying out the Town a-new, commonly called Snow-Hill *Town, in* Somerset *County. Lib.* B.L,C. *fol.* 251.

Passed 29th *October* 1742.

N. B. Snow-Hill was first erected into a Town by the Act of 1686, *ch.* 2; and again confirmed by 1706, *ch.* 14. By the present Act, (1.) Certain Commissioners appointed, and impowered to survey and lay out the same 100 Acres formerly laid out, as agreeable as conveniently may be to the original Survey thereof, when first laid out into a Town, having regard to the Lots already Improved and Built upon, &c. (2.) The Land so surveyed, &c. to be erected into a Town, and called *Snow-Hill* Town. (3.) The Owners of any of the Lots formerly taken up, but not built upon, are required to build (within Two Years after the Survey made as aforesaid) upon such Lot or Lots, One House to cover 400 square Feet of Ground, with one Brick Chimney

CHAP. XI.

ney at leaſt; and on neglecting to build as aforeſaid, the Right, Title and Property of ſuch Owner to ſuch Lot, at the Expiration of the ſaid Two Years, ſhall ceaſe, and the ſame Lot or Lots become the Property of the Proprietor of the Town Land, as if the ſame had never been ſold or conveyed. But Owners of ſuch Lots, if under Age, or beyond Sea, ſhall have Liberty to improve and build on their Lot as aforeſaid, at any Time within Two Years after ſuch Owner's arriving at full Age, or returning into this Province. (4.) The Commiſſioners to appoint a ſufficient Clerk, who ſhall make a fair Entry of all their Proceedings in a Book, to whom the Surveyor ſhall deliver a fair Plat of the Lots, &c. which Plat, with the Proceedings, ſhall be tranſmitted to the Clerk of *Somerſet* County, to be lodged among the County Records. And upon the Death or Reſignation of ſuch Town-Clerk, the Commiſſioners to nominate and appoint another, as often as need ſhall require. (5.) The Commiſſioners impowered to agree with the Proprietor of the Land, not already taken up, for the Price of the ſame; and, in caſe of ſuch Agreement, to ſet a Price on each Lot, not already taken up or purchaſed, for which the Taker-up ſhall pay: But in caſe they cannot agree for the ſaid Ground, they ſhall cauſe the ſame to be valued by a Jury; and the Payment of ſuch Sum as ſuch Lot or Lots ſhall, by the ſaid Jury, be adjudged worth to the Proprietor aforeſaid, or a Tender thereof by ſuch Perſon or Perſons who ſhall be willing and deſirous to take up ſuch Lot or Lots, and Refuſal by ſuch Proprietor; and ſuch Payment, or Tender and Refuſal, being duly proved by the Oath of one or more lawful Witneſſes, before Two Juſtices for the ſaid County, by the Perſons intending to take up the ſame, and an Entry made thereof by the Town-Clerk aforeſaid, and returned by him to be lodged, with the other Proceedings, in the County Court-Office as aforeſaid, ſhall give the Perſon, paying or tendering as aforeſaid, an abſolute Eſtate in Fee-ſimple in ſuch Lots, they complying with the other Requiſites in this Act mentioned. (6.) All Lots hereafter to be taken up, ſhall be built on as aforeſaid, within 18 Months after taking up; which Lots, ſo built on and paid for, &c. ſhall be the Right, Property, and Eſtate of ſuch Perſons ſo taking up, improving and paying, their Heirs and Aſſigns for ever. (7.) Any Perſons may take up Lots, and enter the ſame, within Two Years from the Time of Survey: But in caſe all the Lots be not taken up in Two Years, then the Proprietor ſhall be no way diveſted of his Right to ſuch Lots as ſhall not then be taken up. (8.) The Proprietor of the Lots, not already taken up or held, ſhall have the Preference of taking up any Five Lots, ſo that he make his Election within 4 Days after the Survey made. (9.) Poſſeſſors of Lots to pay One Penny Sterling, *per Annum*, for each Lot ſo taken up, paid for, and built upon, to the Right Honourable the Lord Proprietary, and his Heirs for ever. (10.) A Saving of Rights to the Crown, the Lord Proprietary, &c. and all others not mentioned herein.

CHAP. XII.

Paſſed 29th *October* 1742.

An Act to continue ſuch Cauſes, now depending in the Provincial Court, as by Law ought to have been determined October *Provincial Court, One Thouſand Seven Hundred and Forty-two. Lib.* B.L.C. *fol.* 253.

Viz. It being impoſſible (by means of the Aſſembly's Continuance) to finiſh ſuch Buſineſs in that Court as ought to have been determined by the Laws now in being, &c.

CHAP. XIII.

Ditto.

An Act for laying out and erecting a Town, on the South ſide of the Eaſtern Branch of Patowmack *River, in* Prince George's *County, near a Place called* Garriſon-Landing. *Lib.* B.L.C. *fol.* 254.

N. B. By this Act, (1.) Commiſſioners impowered to purchaſe 60 Acres of Land at the Place aforeſaid, and cauſe the ſame to be ſurveyed and laid out into 60 convenient Lots, to be erected into a Town. (2.) The Commiſſioners to meet on the Land, &c. and agree for the ſame with the Owners thereof (if it can be done on reaſonable Terms) if not, or in caſe of Non-age, &c. or other Diſability, then to cauſe the ſame to be valued by a Jury, &c. and what Sum ſuch Jury ſhall aſſeſs, is hereby declared to be the Value and Price to be paid to ſuch Owner or Owners. (3.) This done, the Commiſſioners to cauſe the 60 Acres to be ſurveyed, divided and laid out, as near as may be, into 60 equal Lots, allowing ſufficient Space for Streets, Lanes, &c. and the Lots to be Numbered from 1, to 60, and the Streets, &c. to be diſtinguiſhed by Names, and by Poſts ſet up towards each of them. (4.) The Commiſſioners to aſcertain the Price to be paid for each of the Lots, according to the Value, Conveniency, &c. thereof; ſo that the Prices of the whole Lots, added together, may amount to the Value of the Land agreed for, or aſſeſſed, as aforeſaid. (5.) The Town to be called *Bladenſburgh*. (6.) The Owner of the Land to have Choice of any Two Lots, provided ſuch Choice be made in Ten Days after Survey: After which Time, any Perſons may take up Lots, paying the Owners of the Land the Value aſſeſſed thereon, and every Perſon, ſo paying the Price of the Lot by him or her taken up, or proving to the Satisfaction of the Commiſſioners, that he or ſhe had tendered the ſaid Price to the Owner aforeſaid, and that ſuch Owner had refuſed to accept the ſame; and an Entry of ſuch Payment, or Tender and Refuſal being made, as hereafter directed; ſuch Perſon, by virtue of ſuch Payment, or Tender and Refuſal, and Entry made thereof, and this Act, ſhall be fully and abſolutely inveſted in an Eſtate, in Fee-ſimple, in ſuch Lot, to him, his Heirs and Aſſigns for ever, without any Deed, Conveyance, &c. from the Owner. (7.) No Perſon to take up more than One Lot during Twelve Months after laying out. (8.) Every Perſon taking up Lots, ſhall, within Eighteen Months after taking up, and Entry made thereof as aforeſaid, build and finiſh thereon, one good, ſubſtantial, and tenantable Houſe, with one Brick or Stone Chimney thereto, that ſhall cover 400 ſquare Feet of Ground. And every Taker-up neglecting to build as aforeſaid (within the Time limited) on any Lot, ſhall loſe ſuch Lot, and his Eſtate therein ſhall thenceforth ceaſe and determine: And ſuch Lots ſo neglected to be built upon, may be taken up by any Perſon whatſoever: Which ſecond Taker-up, paying the Price aſſeſſed thereon to the Commiſſioners, and building thereon as before directed, within the Time limited, after ſuch ſecond Taking-up, ſhall have the like Eſtate in ſuch Lot or Lots as the firſt Takers-up, &c.

are

are declared to have; and so, *toties quoties*, until the said Lots shall be built on and improved as aforesaid. (9.) The Money so paid for Lots, not built on, and improved by the first or other Takers-up, &c. shall be applied to such Purposes for the Benefit of the Town, as to the Commissioners shall seem meet. (10.) The Surveyor shall deliver to the Commissioners, a fair and exact Plat and Survey of the Town, whereby each Lot, Street, &c. may appear to be well distinguished by their respective Numbers and Names, together with a full and plain Certificate; to be entred and reposited as hereafter directed. (11.) The Commissioners to appoint a sufficient Clerk, and administer an Oath to him for the due Performance of his Office, who shall find a good, well-bound Book, for entring their Proceedings, and enter therein the Certificate of the Survey aforesaid, the Prices of each Lot, the Name of the Owner, and Time of its being taken up and paid for, or of the Tender and Refusal as aforesaid, and all other Transactions, &c. of the said Commissioners in and about the Town. Which Registry, together with the Plat or Survey of the said Town, being carefully examined by the Commissioners, after the same is compleated, shall be lodged with, and delivered to the County Clerk, to be kept among the County Records. (12.) The Commissioners to ascertain the Fees to be paid to their Clerk, for the several Services by him done, by the Persons taking up Lots. (13.) The Possessors of Lots to pay to the Lord Proprietary the Yearly Rent of One Penny Sterling for each Lot. (14.) A Saving of Rights to the Crown, the Lord Proprietary, all Bodies Politic and Corporate, and all others not mentioned in this Act. CHAP. XIII.

CHAP. XIV.

An Act to impower and direct the Clerk of Somerset *County to enter and record amongst the said County Records, a Deed of Bargain and Sale, from* John Martin, *to* James Martin, *of a Lot of Land therein mentioned. Lib.* B.L.C. *fol.* 257. *PR.* Passed 29th *October* 1742.

CHAP. XV.

An Act to enable the Justices of Baltimore *County Court, to assess and levy on the Taxable Inhabitants of* St. Paul's *Parish, in the said County, a Quantity of Money for the Uses and Purposes therein mentioned; and also to divide the said Parish, and for erecting Part thereof into a new one. Lib.* B.L.C. *fol.* 258. Ditto.

N. B. By this Act, (1.) Certain Persons were impowered to receive voluntary Subscriptions from the Parishioners, for the purchasing Two Acres of Land, and building thereon a Chapel of Ease, for the Forest Inhabitants: And in case such voluntary Contributions should not be sufficient, then were the County Justices impowered, (at the Instance of the Vestry) to assess, on the Taxable Inhabitants of the Parish, any Sum, not exceeding 133*l.* 6*s.* 8*d.* in any one Assessment, nor for more than Three Assessments, to be paid to the Persons before nominated for compleating the said Chapel. The said Persons to render an Account to the Vestry for all Monies by them received for the said Use, and how laid out: And any remaining Balance in their Hands to be paid to the Vestry, and by them be applied towards defraying Parish Charges. (2.) From the Death of the Rev^d *Benedict Bourdillon*, the present Incumbent, the Hundred of *Soldier's Delight* and *Back River* Upper Hundred, to be separated from the Parish of *St. Paul*, and erected into a new Parish by the Name of *St. Thomas*'s Parish: From and after which Contingence, the Inhabitants of the said *St. Thomas* Parish, to have and enjoy all Benefits, Privileges, Powers and Authorities, equal with the Inhabitants of any other Parish within this Province; with Power of electing Vestry-men, Church-wardens, &c. (3.) The Persons appointed as aforesaid, are directed to build the said Chapel so as to answer the Convenience of the intended Parish of *St. Thomas*; and to make it sufficiently large, &c. which Chapel, from the Death, &c. of the Rev^d Mr. *Bourdillon*, to be taken, deemed, and used as the Parish Church of *St. Thomas* aforesaid, &c.

CHAP. XVI.

An Act for Relief of Honor Huggel, Susannah Murray, Catherine Brett, John Lumley, George Jenkins, *and* Anthony Hill, *languishing Prisoners in* Anne-Arundel *County Goal*; Thomas Brown, Robert Evans, *and* Robert Brashiers, *languishing Prisoners in* Prince George's *County Goal*; Paul Busey, *a languishing Prisoner in* Calvert *County Goal*; John Mitchel, *and* Charles Gannon, *languishing Prisoners in* Talbot *County Goal*; Samuel Peck, *and* Edmond Milton, *languishing Prisoners in* Queen-Anne's *County Goal*; Francis Tate, George Russel, *and* William Willoughby James, *languishing Prisoners in* Somerset *County Goal*; Robert Walmsley, *a languishing Prisoner in* St. Mary's *County Goal*; Solomon Trenor, *and* Garret Corbet, *languishing Prisoners in* Cæcil *County Goal*; *and* John West, *and* William Clements, *junior*, *languishing Prisoners in* Charles *County Goal. Lib.* B.L.C. *fol.* 261. *PR.* Ditto.

CHAP. XVII.

An Act to enable Caleb Dorsey, *of* Anne-Arundel *County, Gent. to sell and dispose of Forty-nine Acres of Land, Part of the Estate of* Mary Woodward, *and* Elizabeth Woodward, *Infants. Lib.* B.L.C. *fol.* 265. *PR.* Ditto.

N. B. Mr. *Caleb Dorsey* dying before this Act was carried into Execution, another Act passed 1744, *ch.* 8, enabling *Richard Dorsey* to sell the same Land.

CHAP.

CHAP. XVIII.

Passed 29th October 1742.

An Act for dividing Prince George's *Parish, in* Prince George's *County, and for erecting a Parish out of the same, called by the Name of* All-Saints *Parish. Lib.* B.L.C. *fol.* 266.

N. B. By this Act, (1.) From and after the 22d *November* next, all that Part of *Prince George*'s Parish, beginning at *Great-Sennecar-Run* Mouth, and running by and with the said Run to the Head thereof; from thence with a due East Line to the Head of one of the Draughts of *Patuxent* River, and so binding all round as the Upper Part of the said County is bounded; shall be separated, constituted, and created into a Parish, to be called by the Name of *All-Saints* Parish; and is hereby adjudged, deemed, and taken, to be a separate and distinct Parish. (2.) The Free-holders impowered to elect Vestry-men and Church-wardens, and to build and found a Church therein: and to have, hold, and enjoy all Privileges and Advantages that are held and enjoyed by any other Parish within this Province.

CHAP. XIX.

Ditto.

An Act to divide Somerset *County, and to erect a new County on the Sea-board Side, by the Name of* Worcester. *Lib.* B.L.C. *fol.* 267.

N. B. By this Act, (1.) After the 10th *December* next, the Bounds of *Somerset* County shall contain as followeth: Beginning at *Watkins*'s Point, and from thence running up *Pocomoke* Bay to the Mouth of *Pocomoke* River, up and with the said River to the Mouth of *Dividing-Creek*; thence up the Westernmost Side of the said Creek, to the Bridges called *Denstone*'s Bridges; and from thence West to the main Road called *Parahawkin* Road; thence up, and with the said Road to *John Caldwell* senior's Saw-Mill; thence up and with the said Road, over *Cox*'s Branch, to *Broad-Creek* Bridge, and down the said Branch and Creek into *Nanticoke* River; thence down the said River with *Dorchester* County to the Mouth thereof; and from thence, including all the Islands formerly deemed to be in *Somerset* County, to the Beginning called *Watkins*'s Point. And that after the said 10th *December*, all the remaining Part of what is now reputed to be within the County of *Somerset*, to the Extent of this Province, shall be, and is hereby constituted into a County, and shall be nominated, called and known by the Name of *Worcester* County; and the Inhabitants thereof, shall have and enjoy equal Privileges with the other Counties of this Province, in sending Delegates to the General Assembly, having County Courts, Sheriffs, Justices, and other Officers and Ministers, as usual in other Counties, *&c.* (2.) Certain Commissioners are appointed and impowered to purchase from the Owners of such Land in the Towns of *Princess-Anne* and *Snow-Hill*, not being more than one, nor less than Half an Acre, whereon to erect a Court-house in each County; and, in case of Refusal, or Disability of the Owner to sell such Land, to have the same valued by a Jury; and the Payment of such Valuation to the Owner, *&c.* or Tender thereof, shall invest the Justices, and their Successors, with an Estate in Fee-simple, for the Use of such County Court, for ever. (3.) The Justices impowered to contract for the building, and cause a Court-house to be built in their respective Counties on the said Lands, and to raise Sums, not exceeding 1000 *l.* in each County, to pay for the Lands and Buildings, by three equal Yearly Assessments. (4.) The Justices of *Somerset* County, to sell by Vendue to the highest Bidder, the present Court-house, and Lands belonging to the said County; Half the Produce whereof to be paid to the Justices of *Worcester* County, and be by them applied to the County Charge; the other Half to be in like Manner applied by the Justices of *Somerset* County, to defray the Public Charge of that County. (5.) *Worcester* County Court to be held on the First Tuesdays of the Months of *March*, *June*, *August*, and *November*, Yearly; and the Assizes in the said County to begin, and be held on the Thursdays before the Assizes in *Somerset* County; and the Assizes and County Courts of *Somerset* County, after the last Day of *November* next, shall be held at *Princess-Anne* Town aforesaid.

CHAP. XX.

Ditto.

An Act encouraging the raising of Copper Ore, erecting of Stamping Mills, and Copper Works, and making of Copper within this Province. Lib. B.L.C. *fol.* 269. *PR.*

Viz. For the Encouragement of *John Digges*, who had undertaken a Copper-Work, (1.) By making all his Labourers and Workmen, constantly employed therein, Levy-free for 7 Years. (2.) By exempting them from Working upon High-Roads or Bridges, and from Attendance on Musters, *&c.*

CHAP. XXI.

Ditto.

An Act for raising a Duty of Three Half-pence Sterling per Hogshead, on all Tobacco exported out of this Province, for the Use of the Governor. Lib. B.L.C. *fol.* 270. *EXP.*

'Till the last Day of *October* 1743.

CHAP. XXII.

Ditto.

An Act to enable the Rector, Vestry-men and Church-wardens, for the Time being, of St. Anne's *Parish, in* Anne-Arundel *County, to Lease certain Lots in the City of* Annapolis, *in Manner, and to the Uses therein mentioned. Lib.* B.L.C. *fol.* 271. *REP.*

This Act being found ineffectual to the Purposes intended, *viz.* to encourage Tenants to build upon the Church Lots; it was repealed by a new Act 1747, *ch.* 24.

CHAP.

CHAP. XXIII.

An ACT for Laying out and Erecting a Town at a Place called *Long-Point* on the West side of *North-East* River, in *Cæcil* County. *Lib.* B.L.C. *fol.* 273.

Passed 29th *October* 1742.

Supplementary Acts 1744, *ch.* 22; and 1750, *ch.* 12. See also 1753, *ch.* 28.

WHEREAS the Encouragement of Trade and Navigation is the surest Means of promoting the Happiness, and encreasing the Riches of every Country, and that such Trade is with the greatest Ease and Advantage carried on, when the same is drawn into and fixed in one or more convenient Places; whereby it appears, that erecting Towns, and granting proper Immunities and Privileges for the Encouragement of People to inhabit therein, must greatly contribute to so desireable an End; and there being as yet no such Place settled at, or near, the Head of *Chesapeak* Bay, although from the great Extent of the Country round, and the want of Navigable Water above it, the same seems altogether necessary; It is therefore humbly prayed that it may be Enacted; Preamble.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That Colonel *Thomas Colvill,* Captain *Nicholas Hyland,* Mr. *Benjamin Pearce,* Mr. *William Alexander,* Mr. *Henry Baker,* Mr. *Zebulon Hollingsworth,* and Mr. *John Read,* be, and are hereby impowered, authorized and appointed, Commissioners to put this Act in Execution, according to the Directions hereafter mentioned, *That is to say,* That the aforesaid Commissioners, or the major Part of them, shall, at some convenient Time, by them to be appointed and agreed upon, before the Twentieth Day of *May* next ensuing the End of this present Session of Assembly, meet upon a Parcel of Land, commonly known by the Name of *Long-Point,* lying in *Cæcil* County, on the West side of *North-East* River, and shall then, or at any other Time or Times, to which they shall or may adjourn, with the Assistance of the Deputy-Surveyor of the said County, survey and lay out for a Town, Two Hundred Acres of the Parcel of Land aforesaid, which shall to them, or the major Part of them, appear to be most fit and convenient for that Purpose, into Two Hundred convenient Lots, with proper Streets, Lanes, and Alleys; as also Three Hundred Acres of Land for a Common to the said Town, lying thereto contiguous, in such Manner as to them, or the major Part of them, shall seem proper, and the same Lots shall stake out, mark, and distinguish by the Number 1, 2, 3, and so on, to the Number Two Hundred. Commissioners appointed to lay out 200 Acres into 200 Lots, and 300 Acres of Common.

III. **And be it further Enacted,** *by the Authority aforesaid,* That the Surveyor aforesaid, shall make Two exact Plats, with Certificates particularly expressing the Lots, Streets, Lanes, and Alleys of the said Town, with their Numbers, Lengths, Breadths, and Names, of every of them, one of which Plats and Certificates, subscribed by the said Surveyor, and the aforesaid Commissioners, or the major Part of them, shall be delivered to the Governor, for the Time being, and the other, subscribed as aforesaid, to the Clerk of the County aforesaid, to be by him safely kept, and the Certificate thereof Enrolled amongst the Records of the same County; which said Plat and Certificate lodged in the Custody of the said Clerk, all Persons shall and may, by virtue of this Act, have free Liberty to inspect without any Fee or Reward. Two Plats to be returned of the Survey.

IV. **And be it further Enacted,** *by the Authority aforesaid,* That the Commissioners aforesaid, or the major Part of them, shall, and are hereby impowered to, treat and agree with the Proprietor or Proprietors, Owner or Owners, or Persons interested in the Land aforesaid, so as aforesaid to be laid out into a Town and Common; or with the Agents, Factors, or other Persons Power of the Commissioners to take up the Land by Purchase or Valuation.

CHAP. XXIII.

ſons authorized by them, for the Price or Value thereof, in Current Money of *Maryland*, at any Time before the Twentieth Day of *May* aforeſaid, but if it ſhall ſo happen, that the ſaid Commiſſioners cannot agree with the ſaid Proprietor or Proprietors, Owners, or other Perſons, upon reaſonable Terms, or that by reaſon of Abſence, Coverture, Infancy, or other Diſability or Impediment, ſuch Agreement cannot be made, that then, and in any ſuch Caſe, the ſaid Commiſſioners, or the major Part of them, are hereby authorized and impowered to iſſue their Warrant, directed to the Sheriff of the County aforeſaid, who is hereby required to execute the ſame, commanding him to ſummon Twenty-four of the beſt and moſt ſubſtantial Free-holders of the ſame County, in which caſe, no Perſon who is by Law capable of giving a Vote for, or being elected as a Delegate, ſhall be exempted, to be and appear before the ſaid Commiſſioners, or the major Part of them, on the Land aforeſaid, on a certain Day in ſuch Warrant to be mentioned, which Free-holders being by them the ſaid Commiſſioners, or the major Part of them, charged and ſworn, ſhall, upon their Oath, enquire, aſſeſs, and return, what Damages and Recompence, in Current Money aforeſaid, they ſhall think fit to be awarded for the aforeſaid Five Hundred Acres of Land, to the Proprietor or Proprietors, Owner or Owners thereof, or other Perſons intereſted therein; and whatever Sum or Sums of Money the ſame Jury ſhall ſo aſſeſs and award as aforeſaid, ſhall be, and is hereby declared to be the Value and Price of the ſame Five Hundred Acres of Land.

The Price of Lots how to be aſcertained.

V. **And be it further Enacted**, That the Commiſſioners aforeſaid, or the major Part of them, ſhall apportion, aſſeſs, and fix, the Price of all and every of the Lots aforeſaid, according to the Value thereof, having regard to the Conveniency and Situation of each reſpective Lot, ſo always as the Prices of all the ſaid Lots, added together, may make up the Sum ſo as aforeſaid to be awarded by the Jury aforeſaid, or the Sum by them agreed for as aforeſaid, and no more; and that the Prices ſo ſet and fixed, ſhall be the Sums to be paid by the Takers-up of each of the ſaid Lots.

The Town to be called *Charles-Town*.

VI. **And be it further Enacted**, *by the Authority aforeſaid*, That Two Hundred Acres of Land, ſo as aforeſaid to be ſurveyed and laid out into Lots, immediately after the ſame ſhall be ſurveyed and laid out, ſhall be, and is hereby made and erected into a Town, and ſhall be called *Charles-Town*; and that the other Three Hundred Acres aforeſaid, to be laid out for a Common, ſhall and is hereby made and declared to be the Common of the ſaid Town; and that all and every the Inhabitants of the ſaid Town ſhall, at all Times, have and enjoy the free Uſe and Benefit thereof in Common.

The Owner to have Choice of two Lots.

VII. **And be it further Enacted**, *by the Authority aforeſaid*, That the Proprietor or Owner of the Land aforeſaid, to be erected into a Town, ſhall either by him or herſelf, or by any other Perſon in his or her Behalf, have Liberty to make Choice of any Two of the aforeſaid Lots, before any of the ſaid Lots ſhall be taken up by any other Perſon or Perſons; Provided ſuch Choice ſhall be made within Ten Days after the Land aforeſaid ſhall be ſurveyed and laid out, and not otherwiſe.

The Lots to be taken up by Ballot.

VIII. **And** to prevent any Partiality or Conteſt in the firſt taking up of the Lots aforeſaid; **Be it Enacted**, *by the Authority aforeſaid*, That the Commiſſioners aforeſaid, or the major Part of them, as ſoon as conveniently may be, after the Choice aforeſaid ſhall be made by the Proprietor of the ſame Land as aforeſaid, or after the Expiration of the Ten Days aforeſaid in caſe no ſuch Choice ſhall be made, and after the Plats and Certificates aforeſaid ſhall be made, and returned as aforeſaid, ſhall cauſe Advertiſements to be ſet up at all public Places, as well in *Cæcil* County aforeſaid, as in the neighbouring Counties in *Maryland*, and other adjacent Places, thereby giving Notice, that at a certain Day therein to be mentioned, not leſs than Three Weeks, nor more than Six Weeks, from the Date of ſuch Advertiſements, the Lots of

of the said Town are to be taken up by Ballot or Lot, by any Persons whatsoever; and that on the Day, so to be appointed, the said Commissioners, or the major Part of them, shall meet on the same Land or Town, and shall cause the Numbers of so many of the Lots aforesaid, as there shall be Persons, then and there willing and desiring to take up Lots, beginning with the Lots on the River-side, and proceeding for the whole Breadth of the Town backwards, to be written on distinct Pieces of Paper, which shall be rolled up, as near as may be, of equal Size and Bigness; and having put the same into a Box or Vessel, every Person then present, other than the Proprietor or Owner aforesaid, shall be at Liberty to draw out one of the said Numbers, which Number being entred with the Clerk aforesaid, and the Drawer paying to the Proprietor or Owner of the same Land, his or her Factor, or Agent, the Price so as aforesaid fixed and set upon the Lot, the Number whereof he or she hath so drawn, and complying with the other Requisites hereafter mentioned, shall, and is hereby declared to be absolutely seized in an Estate, in Fee-simple, of and in such Lot, against the Lord Proprietary of this Province, and all other Persons whatsoever: And if it shall happen that all the Lots aforesaid, be not taken up, or drawn on that Day, then the said Commissioners, or the major Part of them, shall, and are hereby required to appoint another Day, in the same Manner as herein before directed, for drawing and taking up the Residue of the said Lots, and shall proceed therein as herein before mentioned on the First Day aforesaid; and that all Persons who shall draw and take up any Lots on such second Day, and pay the Prices, and comply with the other Requisites aforesaid, shall have the like Estates, in such their Lots so drawn and entered as aforesaid, as the Drawers and Takers-up of Lots on the First Day are herein above declared to have: And if all the said Lots shall not be drawn and taken up on the Second Day aforesaid, that then any Person whatsoever, who had not before drawn or taken up any other Lot, shall and may be at Liberty to take up and enter as aforesaid, any of the said Lots which shall so remain untaken up; and such Persons last mentioned, paying the Prices of their respective Lots, and complying with the other Requisites aforesaid, shall have Estates in Fee-simple therein, as aforesaid. CHAP. XXIII.

None to hold more than one Lot within 3 Years.

IX. **Provided always**, That no Person whatsoever, the Proprietor or Owner of the said Land only excepted, shall be allowed to take up, draw, hold, possess, or enjoy, above one of the Lots aforesaid, at any Time within Three Years after the laying out of the Town aforesaid.

The Lots to be entered with the County Clerk.

X. **And be it further Enacted**, *by the Authority aforesaid*, That all and every Person and Persons, who shall take up any of the Lots aforesaid, shall apply to the Clerk of *Cæcil* County Court, for the Time being, for Entries to be made of their respective Lots so taken up, which Clerk is hereby obliged and required carefully to enter in a Book, by him to be kept for that Purpose, the Names of Persons taking up the said Lots, the Numbers of their respective Lots, with the Days of their being taken up, and the Receipts for Money by them respectively paid for their said Lots; for which Entries, and a Copy thereof to be delivered to the Parties, every such Person shall pay to the said Clerk the Sum of Five Shillings Current Money, and no more.

What Improvements shall be made by the Takers-up of Lots, on Forfeiture.

XI. **And be it further Enacted**, *by the Authority aforesaid*, That all and every the Person and Persons aforesaid, taking up the Lots aforesaid, their Heirs, Executors, Administrators, and Assigns, shall be obliged to erect and build on such their respective Lots, within Three Years after the Date of the Entry thereof, so as aforesaid to be made, one good tenantable Dwelling-house, which shall cover Four Hundred square Feet of Ground at least, exclusive of Sheds, with a Brick or Stone Chimney to every such House, and every Person neglecting or omitting to build as aforesaid, on his or her Lot, shall lose and forfeit his or her Right, Title, and Estate therein; and every such Lots

CHAP. XXIII.

ſo neglected to be built on as aforeſaid, ſhall, from and after the Expiration of the Three Years aforeſaid, be liable to be taken up by any other Perſon whatſoever.

Forfeited Lots how to be taken up.

XII. **And be it further Enacted**, *by the Authority aforeſaid*, That when and as often as any of the Lots aforeſaid, ſhall be forfeited for not being built on as aforeſaid, either the Firſt Taker-up thereof, or any other Perſon who ſhall incline to take the ſame up a-new, ſhall apply to the County Clerk aforeſaid, and cauſe an Entry to be made by the ſaid Clerk, of his or her taking up ſuch Lot, in Manner as before directed, and ſhall likewiſe pay to the ſaid Clerk, the Price of ſuch Lot as before ſet and fixed, to be applied as herein after directed, together with the ſaid Clerk's Fee as aforeſaid for ſuch Entry and Copy thereof; and that ſuch Second Taker-up, having ſo entered and paid for ſuch Lots ſo taken up a ſecond Time, and built thereon, according to the Directions and within the Time before mentioned and limited, ſhall be ſeized of the like Eſtate, of and in ſuch Lot, as the firſt Takers-up of the ſaid Lots are hereby declared to be, upon their complying with the Requiſites aforeſaid, and ſo, *toties quoties*, until all ſuch Lots ſhall be built upon as aforeſaid.

Lots not taken up by Ballotting, may be taken up by any Perſons.

XIII. **And be it further Enacted**, That if all the Lots aforeſaid, ſhall not be drawn and entered as aforeſaid, on the aforeſaid Two Days to be appointed for Ballotting the ſame, then it ſhall and may be lawful for any Perſons whatſoever (except thoſe who had already drawn and entered Lots as aforeſaid) to take up and enter the ſame as before directed, and to pay the Prices thereof to the Clerk aforeſaid; which, together with the Building thereon as aforeſaid, ſhall entitle ſuch Takers-up to Fee-ſimple Eſtates therein as aforeſaid reſpectively.

The County Clerk to attend, and enter the Proceedings:

XIV. **And be it further Enacted**, That the County Clerk aforeſaid, ſhall attend the Commiſſioners aforeſaid, in the Execution of what is required by this Act to be done, and ſhall make up and keep fair and juſt Entries of all their Proceedings, and of all the Lots to be taken up and paid for as aforeſaid; and that the ſaid Clerk, for ſuch his Attendance, ſhall be allowed Fifteen Hundred Pounds of Tobacco in the County Levy; and that the Surveyor aforeſaid, for ſurveying and laying out the Town and Common aforeſaid, making and returning Plats and Certificates thereof as aforeſaid, and all other Services by him to be done in the Premiſes, ſhall have and receive the Sum of Two Thouſand Pounds of Tobacco, to be aſſeſſed and allowed in the County Levy as aforeſaid.

And render Account of Monies, *&c.* deducting $2\frac{1}{2}$ per Cent.

XV. **And be it further Enacted**, That the Clerk aforeſaid ſhall, from Time to Time, render juſt Accounts of, and pay to the Commiſſioners aforeſaid, all the Money which he ſhall receive for the Prices of any of the Lots aforeſaid, ſo as aforeſaid directed to be paid to him, deducting therefrom the Commiſſion of Two Pounds Ten Shillings per Cent, for all Sums by him ſo received and paid.

Quit-Rents payable for each Lot.

XVI. **And be it further Enacted**, That all and every Perſon and Perſons, Taking up, Holding, or Poſſeſſing any of the Lots aforeſaid, ſhall pay yearly for every ſuch Lot, to the Right Honourable the Lord Proprietary of this Province, or his Agent or Receiver here for the Time being, for the Uſe of his Lordſhip, Two-pence Current Money of *England*, in full Conſideration for the Yearly Rent of the Five Hundred Acres of Land aforeſaid.

Squares for Public Buildings.

XVII. **And be it further Enacted**, *by the Authority aforeſaid*, That the Commiſſioners aforeſaid, or the major Part of them, in laying out the Town aforeſaid, ſhall, in the moſt proper and convenient Place thereof, cauſe to be laid out and aſcertain, one or more ſquare and convenient Lots, or Pieces of Ground,

Ground, for building a Court-house, Market-house, and other public Edifices on, as they, or the major Part of them shall think proper; which Lot or Lots, is, and are hereby declared at all Times hereafter, to belong to the Public for the Uses aforesaid, and to no other Use or Purpose whatsoever. CHAP. XXIII.

XVIII. **And whereas**, the present Incumbent of the Parish wherein the said Town and Common is to be laid out, has signified his Willingness and Consent to exempt all Persons actually living and residing within the Bounds of the said Town-Land, from the Payment of the Forty per Poll, and as such Privilege or Exemption may greatly encourage Persons of all Professions, Religions, Perswasions, Trades, or Occupations whatsoever, to build and settle in the said Town, and much conduce to the better Peopling and Seating the adjacent Lands, now uncultivated in the said Parish, to the equal Benefit to the Incumbents thereof, By Consent of the present Incumbent.

XIX. **Be it therefore Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That all and every Person and Persons whatsoever, actually residing or dwelling in the said Town, their Servants and Slaves likewise actually residing there, shall, during such his, her, or their Residence, be exempted and discharged from the Forty per Poll granted to the Episcopal Clergy of this Province, and all other Parochial Taxes, Charges, and Dues whatsoever. Residents in the Town are freed from Payment of all Parochial Dues.

XX. **And be it further Enacted**, That the Inhabitants of the same Town, after one Year's Residence therein, shall, and are hereby declared and adjudged to be Residents of this Province, and shall have and enjoy all the Rights, Privileges, Immunities, and Exemptions of Residents, by virtue of any of the Acts of Assembly of this Province, or otherwise; any Law, Statute, or Usage to the contrary notwithstanding. One Year's Residence in the Town shall give all the Rights, &c. of a Resident of the Province.

XXI. **And be it further Enacted**, That when and as often as any of the Commissioners aforesaid shall die, remove from the County aforesaid, or refuse or neglect to join in the Execution of this Act, then, and in any such Case, the major Part of the other Commissioners aforesaid, shall choose others in the Place of such who shall die, refuse, remove or neglect as aforesaid, and such Person or Persons so chosen, shall have equal Power to act as the other Commissioners herein mentioned, and that the Power and Authority of the said Commissioners shall continue, until all Things by them directed by this Act to be done, shall be compleated and finished; and that all Monies herein before directed to be paid to them by the Clerk aforesaid, shall be applied to the Building or Repairing of Public Buildings, Wharfs, or other Public Uses of the said Town, as the said Commissioners, or the major Part of them shall think fit. Succession of the Commissioners provided for. Application of Money paid to them.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

An Act to enable his Excellency Thomas Bladen, *Esq; or the Governor for the Time being, to purchase Four Acres of Land within the Fence of the City of* Annapolis, *for the Use of the Public; and to build thereon a Dwelling-house, and other Conveniencies, for the Residence of the Governor of* Maryland, *for the Time being; and to repeal Part of other Acts therein mentioned. Lib.* B.L.C. *fol.* 277. Passed 29th October 1742.

CHAP. XXV.

An Act for the Assessment and Payment of the Public Charge of this Province. Lib. B.L.C. *fol.* 279. Ditto.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 1ſt Day of *May*, in the 29th Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 4th Day of *June* following, in the 30th Year of his Lordſhip's Dominion, *Annoq*; *Domini* 1744: The following Laws were Enacted.

THOMAS BLADEN, Eſq; Governor.

CHAP. I.

Paſſed 4th *June* 1744.

An ACT to encourage the deſtroying Bears in *Worceſter* County. *Lib.* B.L.C. *fol.* 283.

100 lb Tobacco to be allowed for the Head of every Bear killed in *Worceſter* County.

FORASMUCH as it is repreſented to this General Aſſembly, by the Inhabitants of *Worceſter* County, that the ſaid County is much infeſted with Bears; **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That every Perſon who ſhall bring to any Juſtice of the Peace of *Worceſter* County, the Head of a Bear that was Killed in the ſaid County, ſhall be allowed in the Levy of the ſaid County One Hundred Pounds of Tobacco; which ſaid Sum of One Hundred Pounds of Tobacco, for each Bear that ſhall be ſo Killed, the Juſtices of the ſaid County are hereby required and impowered to levy upon the taxable Inhabitants of the ſaid County, to be paid in the ſame Manner as the Public and County Levies now are. And to prevent a double Allowance for one Bear, the Juſtice before whom ſuch Bear's Head ſhall be brought, is hereby required to cauſe the Ears thereof to be cut off, and it's Tongue to be cut out, and to give a Certificate thereof to the Party producing the ſaid Head.

The Ears and Tongue to be cut before granting Certificate.

Oath to be made that the Bear was killed in the County, &c.

II. **Provided always**, That it ſhall not be lawful for any of the Juſtices of the County aforeſaid, to give any Certificate for any Bear's Head (other than what ſhall be Killed by an *Indian*) before the Party producing the ſame ſhall make Oath (or Affirmation, if a Quaker) That the Bear, for which the Certificate is deſired, was Killed in the County aforeſaid, after the making this Act: Nor to give a Certificate for the Head of any Bear Killed by an *Indian*, unleſs the ſaid Head be brought to him whole and entire, and that it appear to be green and freſh Killed; any Thing herein contained to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. II.

Paſſed 4th *June* 1744.

An Act for making a Chapel already erected in Prince George's *Pariſh, in* Prince George's *County, a Chapel of Eaſe. Lib.* B.L.C. *fol.* 283.

N. B. By this Act the ſaid Chapel is conſtituted, &c. a Chapel of Eaſe to the ſaid Pariſh, and all Tobacco or Money hereafter to be levied, on Application of the Veſtry to the County Court, &c. ſhall be as well, for the Repairing of the ſaid Chapel, as the Pariſh Church, &c.

CHAP. III.

Ditto.

An Act for dividing St. Stephen's, *alias* North-Saſſafras *Pariſh, in* Cæcil *County. Lib.* B.L.C. *fol.* 284.

By this Act, (1.) From the End of this Seſſion, all that Part of *St. Stephen*'s, alias *North-Saſſafras* Pariſh, in *Cæcil* County, lying within the following Bounds, *viz.* Beginning at a certain Place called *Town-Point*, ſituated between *Elk* and *Bohemia* Rivers, and from thence to run up *Bohemia* River to *Middle-Neck* Point; from thence up *Auguſtine-Creek*, alias *Little Bohemia*, to *Campbell*'s Branch, including all *Middle-Neck*, and the Plantation of *Charles Scott*, and to the Croſs Paths; and from the Croſs Paths by a Line drawn Eaſt to the exterior Bounds of the old Pariſh;

Parish; and from thence by such Metes and Bounds as shall take in all that Part of *St. Stephen's* Parish which lies to the Northward and Westward of the before Lines, so far as *St. Stephen's* Parish extended to *Elk* River, and then by *Elk* River to *Town-Point* aforesaid; shall be taken from *St. Stephen's* Parish aforesaid, and be erected into a new Parish, and called by the Name of *Augustine* Parish: And shall from the Time aforesaid, be deemed, &c. *Augustine* Parish, and not as a Part or Parcel of *St. Stephen's* Parish aforesaid, &c. (2.) The Inhabitants of *Augustine* Parish to enjoy all Benefits, Privileges, &c. in every respect, equal with any Inhabitants of any other Parish in this Province; with Power to elect Vestry-men, &c. (3.) The Chapel built on *Bohemia* Manor, to be reputed, deemed, &c. as the Parish Church of *Augustine* Parish. (4.) The Revd Mr. *Hugh Jones* to continue Incumbent of both Parishes during his Life, &c. CHAP. III.

CHAP. IV.

An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, *of the City of* Annapolis, *Printer.* *Lib.* B.L.C. *fol.* 285. EXP. Passed 4th *June* 1744.

To remain in Force till the 25th *December* 1745. Farther continued by 1745, *ch.* 1; 1747, *ch.* 7; and expired 25th *December* 1748. A new Law made 1749, *ch.* 8.

CHAP. V.

An ACT to prevent the Cutting up Tobacco Plants, Destroying of Tobacco and Tobacco-houses; and for ascertaining the Punishment of Criminals Guilty of the said Offences. *Lib.* B.L.C. *fol.* 286. Ditto.

WHEREAS Tobacco is the Staple of this Province, and that thereon depends the Livelihood of many of the Inhabitants, as well as the most cosiderable Branch of Trade; and that it is as requisite that the Property of the People should be as well secured in the Fields, or open Houses, as in their Dwelling-houses: It is therefore prayed that it may be Enacted; Preamble.

II. **And be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That any Person or Persons, who shall, after the End of this present Session of Assembly, cut or destroy, or cause to be cut up or destroyed, any Tobacco Plants belonging to any other Person or Persons, or by Threats, Menaces, or other sinister Means, shall cause or excite any Person or Persons to cut up or destroy any Tobacco or Tobacco Plants, belonging to any other Person or Persons, and shall be thereof convict by due course of Law, shall forfeit and pay unto the Party grieved, One Hundred Pounds Sterling, and suffer Six Months Imprisonment, without Bail or Mainprize; and shall also remain in Prison, as in Execution, until the said Sum be satisfied, in case the Offender be of sufficient Ability to pay the same; and if the Offender shall not be of sufficient Ability, then, and in every such case, the Offender shall remain and continue in Prison for the Space of One whole Year, without Bail or Mainprize. **Provided also,** That the Party grieved, shall and may have and maintain his or her Action of Trespass, or other proper Action at Law, for Recovery of Damages against the Offender; any thing herein contained to the contrary notwithstanding. Penalty on Persons cutting or destroying Tobacco, or Tobacco Plants; or exciting others to do so. Fine and Imprisonment. The Party grieved shall have Action of Trespass, &c.

III. **And be it further Enacted,** That any Person or Persons, who shall after the End of this Session of Assembly, wilfully Burn any Tobacco belonging to any other Person, whether Hanging, or in Bulk, or Packed, or any Tobacco-house or Houses, having therein any Tobacco Hanging, or in Bulk, or Packed, and be thereof convicted by due course of Law, and every Aider and Abettor of such Offender, shall suffer Death as a Felon, without Benefit of Clergy. Punishment of Persons convict of burning Tobacco, or Tobacco-houses. Death.

IV. This Act to continue Three Years, and to the End of the next Session of Assembly, which shall happen after the End of the said Three Years. Continuance.

Examined and Compared with the Original Act, Reverdy Ghiselin, Thomas Bacon.

Farther continued 1747, *ch.* 11, for 3 Years, &c. But by 1751, *ch.* 7, is made PERPETUAL.

CHAP.

CHAP. VI.

Passed 4th June 1744. *An Act continuing* [a] *An Act to prevent the injuring of Harbours within this Province, and for repealing the Act therein mentioned.* *Lib.* B.L.C. *fol.* 287. *EXP.*

[a] 1735, *ch.* 16, hereby continued 3 Years, *&c.*

CHAP. VII.

Ditto. *An Act for reviving and continuing an Act of Assembly of this Province, entitled,* [b] *An Act for ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping, and defacing Tobacco taken on board Ships or Vessels upon Freight.* *Lib.* B.L.C. *fol.* 287. *EXP.*

[b] 1736, *ch.* 9, hereby continued 3 Years, *&c.*

CHAP. VIII.

Ditto. *An Act to enable* Richard Dorsey, *of* Anne-Arundel *County, Gent. to sell and dispose of Forty-nine Acres of Land, Part of the Estate of* Mary Woodward *and* Elizabeth Woodward, *Infants.* *Lib.* B.L.C. *fol.* 288. *PR.*

See 1742, *ch.* 17.

CHAP. IX.

Passed 4th June 1744. *An Act continuing an Act, entitled,* [c] *A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several sorts of Liquors imported; and also on* Irish *Servants, to prevent the importing too great a Number of* Irish *Papists into this Province.* *Lib.* B.L.C. *fol.* 289. *EXP.*

[c] 1735, *ch.* 6, hereby continued 3 Years, *&c.*

CHAP. X.

Ditto. *An Act for the Naturalization of* James Richard, *of* Baltimore *County.* *Lib.* B.L.C. *fol.* 290. *PR.*

CHAP. XI.

Ditto. *An Act impowering the Justices of* Prince George's *County, to levy on the Taxable Inhabitants of* Queen-Anne *Parish, in the said County, the Sum of Two Hundred Pounds Current Money, for the* [d] *Uses therein mentioned.* *Lib.* B.L.C. *fol.* 290.

[d] *Viz.* For Repairing and Enlarging their Church and Chapel.

CHAP. XII.

Ditto. *An Act impowering the Justices of* Prince George's *County, to levy on the Taxable Inhabitants of* King George *Parish, in the said County, the Sum of Two Hundred and Fifty Pounds Current Money for the* [e] *Uses therein mentioned.* *Lib.* B.L.C. *fol.* 291.

[e] *Viz.* For building a Chapel on the Lands given to the Parish for that Use by *Wm. Scott*, sen^r. and the said Chapel to be supported and repaired, as Need shall require, at the Parish Charge.

CHAP. XIII.

Ditto. *A Supplementary Act to an Act, entitled,* [f] *An Act for laying out and erecting a Town on the South side of the Eastern Branch of* Patowmack *River, in* Prince George's *County, near a Place called* The Garrison-Landing. *Lib.* B.L.C. *fol.* 291.

[f] 1742, *ch.* 13.

N. B. By this Act, (1.) On Petition of sundry Inhabitants of *Prince George's* County, Two Years, from the End of this Session, is granted to any Persons, their Heirs or Assigns, who took up any Lots in *Bladensbourgh*, more than was given by the Original Act, to compleat their Buildings. (2.) The Takers-up of Lots, their Heirs or Assigns, on Building one good and substantial Ware-house, which shall cover 400 square Feet of Ground, shall be invested with an Estate in Fee-simple, in such Lot or Lots, although the same hath no Stone or Brick Chimneys. (3.) After the 10th *November* 1746, no Person inhabiting the Town aforesaid, shall keep or make any Fire or Fires in any other than Brick or Stone Chimneys, under Penalty of 40 *s.* Currency for each Offence; to be recovered before a single Magistrate, as in the case of small Debts, to be paid to the Majority of the Commissioners for the said Town, one Moiety for the Use of the said Town, the other to the Informer; which said Magistrate is impowered to determine the same, and to commit the Offender to the Sheriff of the County, on Refusal or Non-Payment of the Fine. (4.) As often as any of the Commissioners in the above recited Act mentioned shall die, or remove out of the County, or refuse, neglect, or be otherwise incapacitated to act, *&c.* then are the remaining Commissioners impowered and required forthwith to choose and appoint one other fit Person to be a Commissioner in his Place; and so, *toties quoties*, as such Vacancy shall happen: Which Commissioners so chosen, *&c.* shall have all the Powers and Authorities for putting the aforesaid Act in Execution, as any of the other Commissioners in the said Act named.

CHAP. XIV.

Passed 4th June 1744. *An Act appointing Commissioners for dividing* St. Mary's *County into Four Parishes; and to erect that Part of* All-Faith, *and* King and Queen *Parish, lying in* Charles *County, into a distinct Parish.* *Lib.* B.L.C. *fol.* 292.

A Supplementary Act of 1745, *ch.* 4, appoints other Commissioners, to carry this Act into Execution; the Commissioners appointed by this Act having neglected the same.

N. B. By

N. B. By this Act, (1.) The Justices of *St. Mary*'s County, together with the Sheriff and Surveyor, are appointed Commissioners to execute the several Matters, *&c.* in this Act directed. (2.) The said Commissioners to meet at the Court-house at *Leonard-Town*, on or before 30th *August* 1744, in order to divide the County into Four distinct Parishes, first giving Public Notice Twenty Days before such Meeting; and then and there agree upon the Time, Manner, *&c.* of making the Division aforesaid. (3.) The Commissioners impowered to appoint a suitable Clerk, and to pay their Clerk, and other incident Charges, by a County Levy; and also to adjourn as to them shall seem needful. (4.) The Commissioners to lay out, or cause to be laid out, divided, and separated, the said County of *St. Mary*'s, into Four different and distinct Parishes, by suitable, natural and artificial Lines, Buttments and Boundaries, with regard to the Conveniency of the People, and so as the Number of Taxables in the said County may be as equally divided into the said Four Parishes, as the Nature of the Thing will permit. (5.) The Commissioners to cause the Division of the County into Four Parishes by them made, to be fairly and distinctly entered in a Book, by natural and artificial Bounds and Courses as aforesaid, in Four distinct Certificates, and return the same to the County Clerk, by him to be entered among the County Records, there to remain as the true and indisputable Bounds of the said Parishes respectively. The Commissioners also to return Duplicates of the said Certificates, to the Vestry of each Parish, *&c.* to be entered in their respective Registers. And the Division so made and recorded in the County Court Office, and respective Registers of the said Four Parishes, to be taken and deemed the true Bounds and Limits of the said Four Parishes in *St. Mary*'s County. (6.) The Commissioners impowered either to alter or continue the Names of the present Parishes, and to give Name to what Parish they shall add; which Names shall be entered in the said respective Certificates, and by the same shall be called at all Times hereafter. (7.) All that Part of *All-Faith*, and *King and Queen* Parishes, now being within *Charles* County, shall hereafter be deemed and remain a distinct and separate Parish, by the Name of *Trinity* Parish; but so as not to affect the 40 per Poll, until after the Decease or Removal of the present Incumbent or Incumbents of the same Parishes of *All-Faith*, and *King and Queen*, &c. (8.) The Free-holders of the said Four Parishes in *St. Mary*'s County respectively, and of the said *Trinity* Parish in *Charles* County, are impowered to make Choice of Vestry-men, Church-wardens, *&c.* And the said respective Free-holders and Vestries, to have, hold and enjoy, all and singular the Rights, Liberties, Privileges, *&c.* which any other Parishes or Vestries within this Province have, or hereafter may have. (9.) Such Divisions or Alterations of the Parishes aforesaid, or the erecting the aforesaid *Trinity* Parish, in *Charles* County, not to take Place or Effect, until the Death or Removal of the present Incumbents respectively, so as to alter the yearly Income of any of the said present Incumbents in the Parishes they now enjoy. CHAP. XIV.

CHAP. XV.

An Act for Building a Prison in Worcester *County*. *Lib.* B.L.C. *fol.* 295. Passed 4th *June* 1744.

The Justices of *Worcester* impowered to build a County Prison in *Snow-Hill* Town; and the Commissioners of the Loan Office to pay them 500 *l.* in Bills of Credit for that Purpose.

CHAP. XVI.

An Act to enable Samuel Wilson, *Executor of* Margaret Lindow, *to convey certain Lands to* David Wilson. *Lib.* B.L.C. *fol.* 295. *PR.* Ditto.

CHAP. XVII.

An Act continuing an Act of Assembly of this Province, entitled, [g] *An Act for the more effectual Punishment of certain Offenders; and for taking from them the Benefit of Clergy.* *Lib.* B.L.C. *fol.* 296. *EXP.* Ditto.

[g] 1737, *ch.* 2, hereby continued 3 Years, *&c.*

CHAP. XVIII.

An Act continuing an Act of Assembly of this Province, entitled, [h] *A Supplementary Act to the Act, entitled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and to an Act, entitled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves; and directing the Manner of Trying Slaves.* *Lib.* B.L.C. *fol.* 297. *EXP.* Ditto.

[h] 1737, *ch.* 7, hereby continued 3 Years, *&c.*

CHAP. XIX.

An Act reviving an Act of Assembly, entitled, [i] *An Act for the Benefit of the Poor, and Encouragement of Industry.* *Lib.* B.L.C. *fol.* 297. *EXP.* Ditto.

[i] 1740, *ch.* 11, hereby continued 3 Years, *&c.*

CHAP. XX.

An ACT for Punishment of Horse-Stealers, and other Offenders. Ditto.

Lib. B.L.C. *fol.* 298.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That all and every Person and Persons, who shall hereafter feloniously Take or Steal any Horse or Horses, Mare or Mares, Gelding or Geldings, Colt or Colts, with-

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in this Province, and all Aiders, Abettors, and Acceſſaries, either before or after the Fact, of any ſuch Takers or Stealers, and all and every Perſon and Perſons who ſhall buy, take, or receive any Stolen Horſe, Mare, Gelding, or Colt, knowing the ſame to be felonioufly Taken or Stolen, and ſhall be thereof convicted, by Confeſſion or Verdict, or be Out-lawed, or will not upon Arraignment anſwer directly according to Law, or ſhall wilfully and of Malice ſtand Mute, or ſhall peremptorily Challenge above Twenty, ſhall for every ſuch Offence or Offences as aforeſaid, ſuffer Death as a Felon, without Benefit of Clergy.

Punifhment of Horſe-Stealers, their Aiders, Abettors, and Acceſſaries, &c.

Death.

II. **And be it further Enacted,** That any Perſon or Perſons who ſhall, after the Publication of this Act, maliciouſly, wilfully, and deſignedly, Burn any Ship, or other Veſſel, Sloop, Shallop, or Boat, of Seventeen Feet Keel, or upwards, whether laden or empty, and the Aiders or Abettors of ſuch Offender or Offenders, being thereof convicted or attainted by due Courſe of Law, ſhall ſuffer Death as a Felon or Felons, without Benefit of Clergy.

Punifhment of wilful Burners of Ships, Boats, &c.

Death.

Continuance.

III. This Act to continue for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly that ſhall happen after the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1747, *ch.* 12; 1751, *ch.* 4; 1754, *ch.* 2; 1757, *ch.* 26, and 1762, *ch.* 4.

CHAP. XXI.

Paſſed 4th *June* 1744.

An Act to enable the Rector, Veſtry-men and Church-wardens of St. James's *Pariſh, in* Anne-Arundel *County, to Leaſe Lands belonging to* St. James's *Church, in Manner and to the Uſes therein mentioned. Lib.* B.L.C. *fol.* 298.

N. B. By this Act, (1.) The Rector, Veſtry-men and Church-wardens of the ſaid Pariſh, for the Time being, are impowered to grant, leaſe, demiſe, and to farm let, a Parcel of Land, Part of a Tract called *Wrighton*, on the Eaſt ſide of *Patuxent* River, in the ſaid County, hitherto unimproved, to any Perſon or Perſons willing and capable to take the ſame, or any Part of it, on ſuch Conditions, Covenants, Proviſoes, and yearly Rents, as to the ſaid Rector, Veſtry-men, &c. or the major Part of them ſhall agree upon, and for any Term not exceeding Twenty-one Years, in any one Demiſe. (2.) The yearly Rents, &c. of the Premiſes to belong to the Incumbent of the ſaid Pariſh for the Time being, for his ſole and ſeparate Uſe and Benefit, and to no other Uſe, &c. whatſoever. (3.) During a Vacancy, the Veſtry-men and Church-wardens are impowered to demand and receive ſuch Rents, and by them be applied as the 40 per Poll is directed to be applied on the like Occaſion by 1715, *ch.* 24. (4.) The Leaſes ſo made, ſhall, at the Requeſt of the Leſſee, be entered within Three Months from the Date thereof, *verbatim*, by the Clerk or Regiſter of the Pariſh, on the Regiſter Book of the ſaid Pariſh; there to be viewed and peruſed by any Perſon deſiring the ſame; and who ſhall, on paying a reaſonable Fee, have a Copy thereof, or of ſuch Part as ſuch Perſon ſhall think proper: And for the Entry thereof in the Regiſter Book, the Clerk to receive Five Shillings Current Money. (5.) Such Entry, when made, ſhall be deemed, &c. as good and effectual, &c. as if the ſame had been acknowledged, and entered among the County Records.

CHAP. XXII.

Ditto.

A Supplementary ACT to the Act, entitled, * An Act for Laying out and Erecting a Town, at a Place called *Long Point*, on the Weſt ſide of *North-Eaſt* River, in *Cæcil* County. *Lib.* B.L.C. *fol.* 299.

* 1742, *ch.* 23. See a farther Supplementary Act 1750, *ch.* 12.

Preamble ſetting forth a voluntary Contribution of the Proprietors of Lots, at 20 *s.* per Lot.

WHEREAS, the Inhabitants or Takers-up of the Lots in *Charles-Town*, in *Cæcil* County, have, by their Petition to this General Aſſembly repreſented, That they have voluntarily advanced, and paid into the Hands of the Commiſſioners appointed for laying out the ſaid Town, the Sum of Twenty Shillings upon every and reſpective Lot by them taken-up, over and above the Price and Purchaſe thereof, whereby there is paid into the Hands of the ſaid Commiſſioners the Sum of Two Hundred Pounds Current Money, to be applied towards building a Public Wharf and Store-houſe in the ſaid Town, for the Advancement of the Trade thereof; and therefore Pray that a Law may paſs, for laying out the ſaid Money towards Building a Public Wharf and Store-houſe, on the public Ground laid out

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out and reſerved for that Purpoſe, and to direct the Management of the ſaid Wharf and Store-houſe, and alſo to grant them ſuch farther Privileges for the Advancement of the Trade, and good Regulation of the ſaid Town, as may ſeem moſt fit and agreeable to encourage the Settlement thereof: For the Encouragement therefore of the ſaid Petitioners, and Others well diſpoſed to forward the Trade and Advancement of the ſaid Town, repreſented to be moſt conveniently ſituated for the Trade of all Sorts of Grain, Flour, Flax-Seed, and ſuch like Commodities;

Commiſſioners appointed to lay out the ſame or other Money given for the ſame Uſe, in Building a Public Wharf and Store-houſes.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That Col. *Thomas Colvill,* Capt. *Nicholas Hyland,* Mr. *Benjamin Pearce,* Mr. *Henry Baker,* Mr. *Zebulon Hollingsworth,* Mr. *John Read,* and Mr. *Benjamin Chew,* be, and are hereby appointed Commiſſioners, for laying out the ſaid Money ſo advanced and collected as aforeſaid; as alſo for receiving, collecting, and laying out all ſuch Sum or Sums of Money, that ſhall be advanced or given by any Perſon or Perſons, for the ſaid Uſes; and that the ſaid Commiſſioners, or the major Part of them, be, and are hereby directed and impowered to lay out the ſaid public Money already received, or which ſhall be by them hereafter received, in the moſt careful and ſpeedy Manner, by agreeing with ſufficient and able Workmen, to build the ſaid Public Wharf, Store-houſe, or Store-houſes, in ſuch Place and Manner on the Ground aforeſaid, as to the ſaid Commiſſioners, or the major Part of them, ſhall ſeem moſt commodious for the Trade and Advantage of the ſaid Town.

No Commiſſioner to be concerned in any Contract for Building the ſame, on Penalty of 50 *l.*

III. **And be it further Enacted,** That no Commiſſioner ſhall directly or indirectly be any way concerned in any Bargain or Contract, to be made with any Workman or Workmen, for Building the ſaid Wharf and Store-houſes, or any other public Buildings, ſo as to receive any Profit or Advantage thereby, on the Penalty of Fifty Pounds Current Money, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, and applied to the Uſe of ſuch public Building; and that the ſaid Workmen ſhall declare upon Oath (if required by the ſaid Commiſſioners) the Names of all ſuch Perſons as are joined and concerned with them, in the ſaid Contracts or Agreements.

The Commiſſioners annually to lodge a fair Account of their Receipts and Diſburſements with the County Clerk.

IV. **And be it Enacted,** *by the Authority, Advice, and Conſent aforeſaid,* That the Commiſſioners aforeſaid, or the Commiſſioners for the Time being, ſhall keep a fair and particular Account of the Receipts and Diſburſements of this and all other public Money by them received for the Uſes aforeſaid, and ſhall annually lodge a Copy thereof with the Clerk of *Cæcil* County, ſigned by the Commiſſioners, or the major Part of them, and which Account the ſaid Clerk ſhall Copy, and inſert in the Record Book kept for the Uſe of the ſaid Town, without Fee.

A Wharfinger or Store-houſe-keeper to be appointed;

V. **And be it alſo Enacted,** That when the ſaid Wharf and Store-houſe and Houſes ſhall be built, the ſaid Commiſſioners, or the major Part of them, ſhall appoint a Perſon of good Repute and Skill in the Goodneſs and Quality of Flour, Wheat, and other Grain, to be Wharfinger and Store-houſe-keeper to the ſaid Wharf and Store-houſes; which ſaid Officer ſhall give ſufficient Security in the Name of the Lord Proprietary of this Province, in the Sum of One Hundred Pounds Current Money, for the true and faithful Diſcharge of his ſaid Office, according to the true Intent and Meaning of this Act hereafter expreſſed.

And furniſhed with ſeal'd Meaſures.

VI. **And** to ſecure the People living at a Diſtance, as well as thoſe in or near the ſaid Town, to have their Grain and other Commodities ſafely and ſecurely Stored, at reaſonable Rates, and have utmoſt Aſſurance of punctual

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and honeſt Dealing; **Be it Enacted**, *by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall provide for the ſaid Officer, out of the public Money, ſufficient Sealed Exact Meaſures, as uſed in this Province, and that the ſaid Officer ſhall give due Attendance at the ſaid Wharf and Store-houſes, and ſhall receive therein all ſuch clean and merchantable Grain and Commodities as ſhall be brought there to be Stored, which he ſhall endeavour as much as he can to keep in ſeparate Parcels: But whereas he may be often obliged to mix the Grain belonging to ſeveral People, the ſaid Officer ſhall uſe his utmoſt Skill in examining the Grain ſo brought in at different Times, and ſhall not receive into the ſaid Store-houſe any Wheat, or other Grain, that ſhall not be ſufficiently Clean, Sound, and Merchantable.

His Duty in receiving Grain and other Commodities into the Store-houſes.

VII. **And be it alſo Enacted**, *by the Authority aforeſaid*, That the ſaid Store-Keeper ſhall give all Perſons lodging any Grain, or other Country Produce or Commodities in the ſaid Store-houſe, authentic Receipts for the ſame, and that the ſaid Receipts ſhall be transferable, and being legally Indorſed or Aſſigned, ſhall oblige the ſaid Store-Keeper to deliver to the Indorſee or Aſſignee, without delay, the Goods or Commodities in the ſaid Receipt mentioned, they paying Storage for the ſaid Goods or Commodities as is hereafter rated and expreſſed, and no more.

Shall give Receipts for Grain, &c. which ſhall be transferable.

VIII. **Provided nevertheleſs**, That for any Wheat or other Grain, meaſured into the ſaid Store-houſe, and lying therein above Three Months, the ſaid Store-Keeper ſhall be allowed One per Cent, on the Delivery thereof, for Shrinkage or other Waſte of the ſaid Grain.

One per Cent. for ſhrinkage if lying above three Months.

IX. **And** for Encouragement of Perſons Trading to the ſaid Town, and for the Credit of the Manufacture of Wheat Shipped therefrom; **Be it alſo Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That as ſoon as the ſaid Officer or Store-Keeper ſhall be appointed as aforeſaid, or at ſuch other Times as the ſaid Commiſſioners ſhall ſee neceſſary to appoint a Viewer or Examiner of Flour, and after one Month's public Notice of the ſame, that no Flour ſhall be Shipped off from the ſaid Town, but what ſhall be carefully Viewed and Branded by the ſaid Officer (for which Purpoſe a public Brand-Iron ſhall be provided by the Commiſſioners), who ſhall, at his entering on ſaid Office, make Oath before one Provincial or County Magiſtrate, "That "without Favour, Partiality, or Reſpect of Perſons, he will uſe his beſt Skill "and Knowledge, that no Flour be Paſſed or Branded by him without his "Viewing and Examining the ſame; and that he will not Brand, or cauſe "to be Branded, any Caſk or Caſks of Flour, that does not appear to the "beſt of his Skill and Knowledge, to be in all Reſpects ſufficiently Clean, "Sweet, and Merchantable, ſo as to be of equal Goodneſs and Fineneſs "with the like Commodities uſually Exported from the neighbouring Tra-"ding Colonies;" for Viewing and Branding whereof, he ſhall receive from the Owner or Owners thereof, the Sum of Three Pence Current Money per Barrel, and no more.

A Viewer or Examiner of Flour to be appointed,

who ſhall View and Brand all Flour Shipped off.

His Oath.

His Fee 3*d.* per Barrel.

X. **And be it further Enacted**, *by the Authority aforeſaid*, That after ſuch Viewer and Examiner ſhall be appointed in Manner aforeſaid, no Flour whatſoever ſhall be Shipped off for Exportation or Trade, from any other Place or Landing on *North-Eaſt* River; but that all Flour from thence intended to be Shipped off, ſhall be brought either by Land or by Water to the ſaid Town, and be there Viewed and Branded by the Officer aforeſaid, on Penalty of Forfeiture of the ſaid Flour, or Value thereof, to be recovered in any County Court of this Province, by Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed; one Moiety of which Forfeiture to be paid to the Informer, the other Moiety to be paid to the Commiſſioners, or the major Part of them, for the Time being, to be applied towards the Building, Repairing, or Maintaining the ſaid Public Wharf and Ware-houſe, and to be accounted for as aboveſaid.

All Flour Shipped off from *North-Eaſt* River, ſhall be brought to *Charles-Town* and there Viewed and Branded.

Penalty.

XI. **And**

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XI. **And be it further Enacted**, That any Perſon or Perſons bringing Flour to the ſaid Town, to be Viewed and Examined as aforeſaid, which ſhall Prove, on Examination thereof, to be Unmerchantable, according to the Intent and Meaning of this Act, the ſaid Officer ſhall not Brand the ſame, but cauſe it to be Marked on the Head or Bulge with the Broad Arrow, or ſecure it for a farther Examination, if required, which the Owner ſhall not delay above Twenty-four Hours: Nevertheleſs the ſaid Officer ſhall demand and receive from the Owner or Owners thereof the ſame Rate and Price as if he had put the Brand thereon: **Provided**, That when any Perſon or Perſons, ſhall think him, her, or themſelves aggrieved, through the Judgment or want of Skill of the ſaid Officer, it ſhall and may be lawful for him, her, or them, to apply to one or other of the ſaid Commiſſioners, who ſhall, at the Charge of the ſaid Complainant iſſue Summons to Two or more indifferent Perſons well ſkilled in the ſaid Manufacture, to Review and Examine the ſame, which if they ſhall Paſs, and declare to be Merchantable, then the ſaid Officer ſhall raze out the Broad Arrow, and put the Brand on the ſaid Flour, and repay the ſaid Coſt; but if on ſuch Review, the Judgment of the ſaid Officer is confirmed, then the ſaid Owner or Owners of ſuch Flour ſhall, beſides the ſaid Coſt, forfeit and pay One Shilling Current Money per Barrel; to be recovered before a ſingle Magiſtrate, and to be paid to the Commiſſioners, to be applied as aforeſaid.

Flour appearing to be unmerchantable ſhall be marked with the Broad Arrow,

but the Owner may have a Review,

and if Condemned, ſhall pay One Shilling per Barrel to the Uſe of the Town.

XII. **And be it further Enacted**, That it ſhall not be lawful for any Perſon or Perſons to Export the ſaid Flour ſo Marked with the Broad Arrow, nor any other Caſk or Caſks of Flour not Examined and Branded as aforeſaid, out of *North-Eaſt* River, on Pain of Forfeiture of Five Shillings Money aforeſaid a Barrel, for every Barrel ſo put on board of any Ship or other Veſſel, for ſuch Exportation, to be recovered and applied as aboveſaid.

Penalty for Exporting Flour out of *North-Eaſt* River not Examined and Branded.

XIII. **And be it further Enacted**, That all Flour and Bread that ſhall be Shipped off from the ſaid Town, ſhall be Bought and Sold by the Long Hundred, or Hundred Weight of One Hundred and Twelve Pounds; and that the Commiſſioners ſhall provide for ſaid Officer ſufficient Weights and Scales for that Purpoſe, where any Perſon ſuſpecting the Invoice of the Weights of Flour by them Bought, or brought to the ſaid Ware-houſe, may have them juſtly and truly Weighed (if deſired) for which Weighing and a true Invoice or Account thereof, the ſaid Store-keeper ſhall be paid One Penny Currency per Barrel, and no more.

Flour and Bread Shipped off from *Charles-Town* ſhall be Bought and Sold by the Groſs Hundred.

Store-keeper's Fee for Weighing.

XIV. **And be it further Enacted**, That all Flour, Bread, and other Caſk in which any of the Country Produce aforeſaid is contained, or intended to be Sold or Shipped off, ſhall be Packed in well-ſeaſoned Caſks, and be juſtly and truly Tared on the Bulge thereof, on the Penalty of One Shilling Currency; and every Barrel or Caſk, that ſhall appear, on Trial, to be Tared above Four Pounds over and above it's juſt and true Weight, ſhall forfeit the Sum of Five Shillings Money aforeſaid, to be recovered from the Owner or Seller of the ſaid Caſks, in the Manner aforeſaid, to the Uſes aforeſaid.

All Flour, Bread, and other Caſk for Exportation, to be truly Tared.

Penalty.

XV. **And whereas** it is the Intention of this Law, that the Storage and Wharfage ſhould be moſt low, and reaſonably rated, ſo as to give Encouragement and Satisfaction to all concerned, intending only to raiſe a reaſonable and moderate Salary or Reward, to engage an able and ſufficient Perſon to take on him the faithful Diſcharge and Management of the ſaid Truſt, and for the neceſſary Repair and Expences in and about the Wharf and Store-houſe aforeſaid: And whereas it is at preſent difficult to aſcertain what Storage and Wharfage for Goods would be for that Purpoſe ſufficient, therefore it may be neceſſary that ſome Perſons may be truſted at preſent with the Settlement thereof, in the moſt reaſonable Manner, to anſwer the Intention aboveſaid; **Be it therefore Enacted**, *by the Authority aforeſaid*, That the Commiſſioners herein

Storage and Wharfage to be ſettled at moderate and reaſonable Rates by the Commiſſioners.

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herein appointed, be hereby authorized and impowered to ſet moderate and reaſonable Rates of Storage and Wharfage, for all Goods, Wares, and Merchandizes, that ſhall be Stored in the ſaid Store-houſe or Store-houſes, or Landed and Shipped off from the ſaid Wharf; and which Rates they ſhall cauſe the ſaid Store-houſe-keeper to have and keep, to ſhew to all Perſons requiring the ſame, and to fix a Copy thereof to remain on the Door of the ſaid Store-houſe: And that the ſaid Commiſſioners, or the major Part of them, ſhall have Power to leſſen the ſaid Rates at any Time by them ſet, when by Increaſe of Trade, or otherwiſe, it ſhall appear to them neceſſary.

No Lumber to remain above ſix Days on the Wharf, without Leave.

XVI. **And be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That the ſaid Wharf ſhall be kept as clear as poſſible from being incommoded by the long lying of Staves or other Lumber thereon; and that no ſuch Lumber ſhall be ſuffered to lie thereon longer than Six Days, without Permiſſion of the ſaid Wharfinger, or Two of the Commiſſioners aforeſaid; but the Perſons owning the ſame, after Notice given by the ſaid Wharfinger, ſhall remove the ſame in Three Days after ſuch Notice, on Penalty of Five Shillings Money aforeſaid, to be recovered before a ſingle Magiſtrate, to be applied to the Uſes aforeſaid.

Power of the Commiſſioners, with Regard to the Public Vacancies;

XVII. **And be it further Enacted,** *by the Authority aforeſaid,* That the ſaid Commiſſioners, or the major Part of them for the Time being, ſhall have Power to apply and ſet apart any Part of the Public Squares or Vacancies, to the Uſe of any religious Society or Perſuaſion, for the Building thereon any Houſe or Houſes for Public Worſhip, and to ſuch other Public Uſes, as to them, or the major Part of them, ſhall appear to be for the Intereſt, Profit, and Conveniency of the Inhabitants of the ſaid Town; and ſhall alſo have Power to Leaſe any Part or Parcels of the ſaid Squares or Vacancies laid out and reſerved for public Uſes, for any Term not exceeding Twenty-one Years, or Three Lives, for an annual Rent, and ſhall not otherwiſe alienate any of the ſaid Squares or Vacancies: All which Rents and Profits ſo ariſing, the Commiſſioners ſhall from Time to Time account for in the Manner herein before expreſſed, to be applied to the Uſe of the Public of *Charles-Town* aforeſaid.

May lay out 100 Acres of Wood Land in the Town Common for Timber for public Uſes.

Penalty on cutting down any Timber Trees from off the ſaid Land.

XVIII. **And** to the End that Timber may be preſerved for the public Uſe, ſuch as Fencing in all or part of the Common, the raiſing of the Wharf, or other Public Occaſions; **Be it alſo Enacted,** That the Commiſſioners, or the major Part of them, are hereby impowered, if they ſee Cauſe, to mark or lay out in the Common of *Charles-Town* aforeſaid, the Quantity of One Hundred Acres, which ſhall appear to them to be beſt Timbered and Convenient; and that no Timber or other Trees growing or ſtanding within the Bounds thereof, above the Girt of Eighteen Inches, to be taken or meaſured at the Height of Three Foot from the Ground, ſhall be cut down by any of the Inhabitants of the ſaid Town, or others, without Leave of the ſaid Commiſſioners, or the major Part of them, on the Penalty of Ten Shillings Money aforeſaid for every Tree ſo cut down, to be recovered before a ſingle Magiſtrate of ſaid County; one Half of which Forfeiture to be paid to the Informer, the other Half to the Commiſſioners, to be applied and accounted for as aboveſaid.

XIX. **And whereas,** notwithſtanding the Plenty of Timber near the ſaid Town, and the great Conveniencies of Forges, for the Encouragement of Building Sea-Veſſels and others, and thereby ſettling in the ſaid Town many uſeful Tradeſmen and Labourers, yet for want of ſufficient Depth of Water near the Shore, within any Part of the Bounds of the ſaid Town and Common, the proceeding in that uſeful and neceſſary Branch of Trade is altogether impracticable: And whereas, in the Opinion of ſkilful Workmen, there is but one Place near the Boundaries of ſaid Town, called *Seneca* Point, at preſent

preſent poſſeſſed by a certain *Edward Oldham*, fit and capable for Launching Ships or other Veſſels, if a Property was to be had thereto, ſo as not to be left to the Will of any Perſon to fruſtrate ſo public a Good; **Be it therefore Enacted**, That the Commiſſioners for ſaid Town are hereby impowered, to fix upon any Place at or near ſaid *Seneca* Point, convenient for a Ship-Yard to the ſaid Town and Common, and to agree for Two Acres of Land, with the Owner or Owners thereof, which if they cannot do upon reaſonable Terms, then they ſhall cauſe a Jury, in the uſual Manner, to be ſummoned and impannelled by the Sheriff, to value the ſaid Land; which Value ſo aſſeſſed the ſaid Commiſſioners ſhall tender and pay the ſaid Owner or Owners, out of the public Money collected and belonging to the Public of ſaid Town; and the ſaid Two Acres of Land ſhall for ever be deemed to belong to the Public thereof: In Satisfaction whereof, all Perſons Building any Ship or other Veſſel on the ſaid Ground, above the Length of Twenty Foot Keel, ſhall pay to the Commiſſioners for the public Uſe of the ſaid Town, ſuch Sum as ſhall be thought neceſſary, not to exceed Six-pence Current Money per Ton, for Licence to build any ſuch Ship or other Veſſel thereon: And that the Commiſſioners, or major Part of them, have alſo Power to lay out a convenient Cart-Road to the ſaid Ship-Yard, ſo as to do the leaſt Damage they poſſibly can to the Owner of ſaid Land; and which Road ſhall be always kept open and free for the Uſe of the ſaid Ship-Yard.

The Commiſſioners impowered to lay out Two Acres near *Seneca* Point for a Ship Yard.

All Veſſels built therein, of above 20 Foot Keel, to pay 6 *d.* per Ton for the Uſe of the Town.

XX. **And** to continue a Succeſſion of the ſaid Commiſſioners, for the good Order and Regulation of the ſaid Town and Trade thereof; **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That when and as often as any of the ſaid Commiſſioners ſhall die, or depart this Province, or ſhall refuſe or neglect to act in the Execution of this Act, then and in any ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, to meet at the ſaid Town, on the Tenth Day of *May* next enſuing ſuch Death or Removal, and appoint ſuch other Perſon as they ſhall think fit, to be Commiſſioner in the Room of him ſo dead, removed, or neglecting to act as aforeſaid.

Succeſſion of the Commiſſioners provided for.

XXI. **Provided**, That at what Time ſoever it ſhall be made appear to the ſaid Commiſſioners, or the major Part of them, for the Time being, that there are the Number of Twenty fixed and ſettled Inhabitants, capable by Land or Eſtate to vote for a Burgeſs, according to the Qualifications of the Laws now in being, actually dwelling and reſiding in ſaid Town, that then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby directed and required, on all ſuch Occaſions that ſhall thereafter happen, to meet at *Charles-Town* aforeſaid, on the Tenth Day of *May* next after ſuch Vacancy ſhall be, and then and there, by Vote of the ſaid Inhabitants of *Charles-Town*, ſo qualified as aboveſaid, to chooſe or elect one other Perſon or Perſons, to ſerve as a Commiſſioner in the Room of him or them ſo dead, removed, or neglecting as aforeſaid; and which ſaid Perſon or Perſons, ſo choſen or elected by Majority of ſuch Votes, ſhall be a Commiſſioner, and be authorized to put this Law in Execution in all Reſpects, and to all Intents and Purpoſes, as any other Commiſſioner herein named, is authorized to do.

How Vacancies ſhall be filled up by Election of the Inhabitants.

XXII. **Be it alſo Enacted**, That the ſaid Commiſſioners be, and are hereby directed and impowered to meet at the ſaid *Charles-Town*, on the Tenth Day of *May* yearly, and oftener as Occaſion ſhall require, to view, regulate, and perpetuate the Boundaries of the ſeveral and reſpective Lots and Town, according to the true Intent and Meaning of the Return of the Survey-Plat, and Certificate thereof; and from Time to Time, as they ſhall ſee Cauſe, to inſpect and enquire into the Proceedings and Management of the ſaid Wharf and Store-houſe, at ſaid *Charles-Town* to be built and raiſed, in order to prevent and reſtrain all Irregularities and Impoſitions that may there happen.

Commiſſioners to meet every 10th of *May*, *&c.* to view and perpetuate the Boundaries, *&c.*

XXIII. **And**

CHAP. XXII.

Two annual Fairs to be held, *viz.* on the 23d *April*, and 18th *Oct.* to continue three Days.

XXIII. **And whereas**, the preſent Inhabitants of *Charles-Town* aforeſaid, have already of their own accord publiſhed a Fair, which was held at the ſaid Town on the Tenth Day of this preſent Inſtant *May*, whereat great Numbers of People did meet; and whereas the adjacent Country produceth many uſeful Commodities, which, brought to ſuch Fair or Fairs to be Sold, might be of Benefit and Advantage to the Trade and People of this Province, if the Time and Manner of keeping ſuch Fair or Fairs were under due Regulations; **Be it therefore Enacted**, *by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners to appoint Two Fairs to be held at the ſaid Town, *to wit*, to begin on the Twenty-third Day of *April*, and the Eighteenth Day of *October*, yearly, not being Sunday, otherwiſe to begin on the Day following, and to continue the ſaid Fairs not more than Three Days each, Sundays excluſive; and that during ſuch Continuance of the ſaid Fair or Fairs, all Perſons within the Bounds of ſaid Town and Common, ſhall be Privileged from all Arreſts, except for Felony and Breach of the Peace; as alſo all Perſons coming to and returning from the ſaid Fair or Fairs, have the like Privilege for one Day before and after the ſame. And the ſaid Commiſſioners have alſo hereby Power and Authority, to make and appoint ſuch good Rules and Orders, to be obſerved in Holding the ſame, as may tend to prevent all Diſorders and Inconveniencies that may therein happen.

Exemption from Civil Arreſts during Fair Time.

Commiſſioners to employ a Clerk, his Salary.

XXIV. **And be it alſo Enacted**, That the Commiſſioners aforeſaid, may employ ſome Perſon, if Occaſion ſhould be, to Regiſter their Proceedings, at their appointed or annual Meetings, at *Charles-Town* aforeſaid; and that they are hereby impowered to pay the ſaid Regiſter, or Perſon by them employed for that Purpoſe, out of the Fines and Forfeitures, or other Public Money, ſo as the Expence thereof do not exceed Five Pounds in any one Year.

A further Allowance made to the Surveyor.

XXV. **And whereas** *John Veazy*, the preſent Deputy-Surveyor of *Cæcil* County, has not only been at extraordinary Trouble, in Surveying and Laying out the ſaid *Charles-Town*, but likewiſe hath been obliged to pay ſeveral Sums of Money to Chain-bearers, and other Labourers, and his own neceſſary Expences, to the Value of more than the Allowance made to him by the Act for Laying out the ſaid Town; **Be it therefore Enacted**, That the Juſtices of *Cæcil* County aforeſaid, ſhall, and are hereby enabled and required, at the Laying of the next Levy, to tax and levy the Sum of Two Thouſand Pounds of Tobacco, on the Taxable Inhabitants of the ſaid County, with the Sheriff's Commiſſion thereon, which Sum of Two Thouſand Pounds of Tobacco, ſo levied, ſhall be paid by the Sheriff of ſaid County to the ſaid *John Veazy*, for his Services and Expence aforeſaid.

Where two Perſons have joined for one Lot, how Entry thereof ſhall be made.

XXVI. **And whereas** the ſmall Number of Lots directed to be laid out in *Charles-Town* aforeſaid, were not ſufficient to accommodate the great Number of Perſons appearing willing to enter, and pay for the ſame, whereby great Numbers (to prevent Conteſts) were obliged and willing to join Two of their Names to One Lot, to be divided between them: To prevent therefore the Trouble and Charge of Executing and Recording Deeds or other Inſtruments, as may by reaſon thereof be occaſioned; **Be it therefore Enacted**, That all ſuch Perſons, who on the Day of Balloting for the Lots in *Charles-Town* aforeſaid, entered Two of their Names for One Lot, reference being had to the Clerk's Entry on that Day made and taken, may at any Time, within Twelve Months after the End of this Seſſion of Aſſembly, have Liberty to enter with the ſaid Clerk, ſuch equal Diviſion, or diſtinct Moiety of ſuch Lot or Lots, as ſhall be agreed on by the ſaid Two Parties; which Agreement or Diviſion, the ſaid Clerk ſhall enter on the Record-Book to be kept for ſaid Town, and ſhall receive for each Entry One Shilling; and ſuch Entry or Record made by the ſaid Clerk in the Book aforeſaid, and both, or either of the Parties, performing the Requiſites required for ſaving Lots by the Law for

Charles-

Charles-Town aforesaid, shall save such Lot, and transfer to each of the said Persons a Property to their respective and distinct Moiety, so agreed on and entered as aforesaid, in as ample Manner as in the former Law is directed, for giving and securing Title to Persons taking Single or Whole Lots. CHAP. XXII.

XXVII. **And be it also Enacted**, That the Reverend Mr. *William Wye*, having at the Balloting aforesaid, made Purchase of a Lot in said *Charles-Town*, he is hereby exempted from forfeiting the said Lot, although not built thereon; any former Law to the contrary notwithstanding. The Revd. Mr. *Wye*'s Lot exempted from Forfeiture.

XXVIII. This Act to continue for Seven Years, from and after the End of this Session of Assembly, and unto the End of the next Session of Assembly which shall happen after the End of the said Seven Years. Continuation.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

This Act was farther continued by the additional Supplementary Act of 1750, *ch.* 12, which Act being made Perpetual by 1753, *ch.* 28, makes this Act also PERPETUAL.

CHAP. XXIII.

An Act to enable certain Commissioners therein named, to lay out Forty Acres of Land into Eighty Lots, for a Town on Indian *River, in* Worcester *County; as also Forty Acres of Land into Eighty Lots, at the Head of* Assateague *Creek, at a Place commonly called* The Trap, *for a Town. Lib.* B.L.C. *fol.* 303. Passed 4th *June* 1744.

Supplementary Acts 1745, *ch.* 3; and 1748, *ch.* 12.

N. B. By this Act (1.) The Commissioners are impowered to buy 40 Acres of Land, at each of the said Places, and cause the same to be laid out into 80 Lots in each of the aforesaid Towns. (2.) The Commissioners to meet on the Lands aforesaid, before the last Day of *November* next, then and there to treat with the Owners for the Purchase thereof: And in case of Refusal or Disability of the Owners to sell, to cause the same to be valued by a Jury, and whatever Sum the Jury shall assess and award, shall be the Price to be paid to such Owners, *&c.* (3.) The Commissioners, after such Purchase or Valuation, to cause the same 40 Acres in each Town, to be laid out into 80 Lots, allowing Space for Streets, Lanes, *&c.* and Number the Lots from One, to Eighty; and the Streets and Lanes to be distinguished by Names, and by Posts set up. (4.) The Commissioners to assess and ascertain the Price of the several Lots, according to their Value, Conveniency, *&c.* so as that the Prices of all the Lots in each Town may amount to the Sum agreed for, or awarded by the Jury. (5.) The Lands so divided and laid out shall be erected into Towns; and that situated on *Indian* River, on *John Massey*'s and *Thomas Eydolat*'s Dwelling Plantations, to be called *Baltimore-Town*; and that at the Head of *Assateague* Creek, at *The Trap*, to be called *Newport-Town*. (6.) The Owners of the Land to have the first Choice of any Two Lots in each Town, so that such Choice be made within Ten Days after the Survey; after which Time, any Persons to be at Liberty to take up Lots in each of the Towns, paying the Price set thereon. And every Person paying the Price of the Lot by him or her taken up; or proving, to the Satisfaction of the Commissioners, a Tender thereof to the Owner aforesaid, and that the Owner had refused to accept the same; and an Entry of such Payment, or Tender and Refusal being made as hereafter directed, shall invest such Person with an Estate of Inheritance, in Fee-simple, of and in such Lot, to him or her, his or her Heirs and Assigns for ever, without any Deed, *&c.* from such Owner for the same. (7.) None to take up above one Lot within 12 Kalender Months after Survey. (8.) Persons taking up Lots in either of the said Towns shall, within 3 Years after such Taking up, build and finish thereon, one good substantial and tenantable House, with one Brick or Stone Chimney thereto, that shall cover not less than 400 Square Feet of Ground, exclusive of Sheds: And Persons neglecting to build as aforesaid, within the Time limited, shall lose such Lot, and the Estate of such Taker-up shall thenceforth cease and determine: And the Lots so neglected to be built upon, may be taken up by any other Person whatsoever; which second Taker-up, paying the Commissioners the Price thereof, so as aforesaid assessed, and Entry thereof made as aforesaid, and Building thereon as before directed, within the Time before limited after such second Taking up, shall have the like Estate therein as the first Takers-up, (who shall comply with all the Requisites before mentioned) are declared to have; and so, *toties quoties*, until the same Lots be built upon and improved as aforesaid: And the Money paid by such second Takers-up, shall be applied by the Commissioners to the Use and Benefit of the Town. (9.) The Surveyor to make out fair and exact Plats of the Towns, whereby each Lot, Street, Lane and Alley therein, may appear well distinguished by their respective Numbers and Names; and the same Plats, with full and plain Certificates thereof, shall deliver to the Commissioners, to be reposited as hereafter directed. (10.) The Commissioners to employ a sufficient Clerk, and administer an Oath to him for the due Performance of his Office; which Clerk shall find a well bound Book for entering the Proceedings of the said Commissioners in the Premises, and faithfully Register therein the Certificates of the Surveys, and all other the Transactions of the Commissioners in and about the Towns aforesaid. The said Registry, with the Plats and Certificates, being carefully examined by the Commissioners, shall, when compleated, be lodged with the County Clerk to be by him kept among the County Records. (11.) Possessors of Lots to pay One Penny Sterling, yearly Rent, for each Lot, to the Right Honourable the Lord Proprietary, his Heirs or Assigns.

CHAP. XXIV.

Paſſed 4th *June* 1744. *An Act for dividing* All-Hallows *Pariſh in* Worceſter *County, and for erecting a Pariſh out of the ſame, called by the Name of* Worceſter *Pariſh. Lib.* B.L.C. *fol.* 306.

By this Act (1.) From the Death, &c. of the Revd Mr. *Glaſgow* (the preſent Incumbent) all that Part of *All-Hallows* Pariſh, beginning at the Mouth of *Newport* Creek, running out of the Sea, and running by and with the ſaid Creek and a Branch thereof to the Main Road, to a Place called *Buckingham*; and from thence down the Main Road which leads to *Snow-Hill* about a Quarter of a Mile, until it comes to another Main Road ſtriking out of the aforeſaid Road, which goes between the Plantations of Mrs. *Mary Hampton* and Mr. *Brickus Townſend*, and bounded therewith, as now laid out by Order of Court, until it interſects *Pocomoke* River: All to the Northward and Eaſtward of the Bounds aforeſaid which was contained in the Pariſh of *All-Hallows* is, by this Act, thenceforth ſeparated, conſtituted and erected into a Pariſh, to be called *Worceſter* Pariſh, and no longer a Part of *All-Hallows* Pariſh aforeſaid. (2.) The Inhabitants of the ſaid *Worceſter* Pariſh to have and enjoy all Benefits, Privileges, Powers and Authorities, equal with any Inhabitants of any other Pariſh in the Province, with Power to elect Veſtries, Church-wardens, &c.

CHAP. XXV.

Ditto. *An Act for laying out the Town a-new, commonly called* Upper-Marlborough-Town, *in* Prince-George's *County. Lib.* B.L.C. *fol.* 306.

N. B. By this Act (1.) Commiſſioners are impowered to ſurvey and lay out, the ſame 100 Acres which were formerly laid out for a Town by 1706, *ch.* 14, (the Bounds of the Town and Lots being very obſcure) as agreeably as conveniently may be to the original Survey, without incommoding the preſent Settlements, and excluſive of the Piece of Meadow Ground lately drained by Mr. *Daniel Carroll*, one of the Proprietors of the ſaid Town. (2.) The Commiſſioners to meet at the Town, &c. and with the Aſſiſtance of a ſkilful Surveyor, carefully to reſurvey the aforeſaid 100 Acres, into as many convenient Lots as were heretofore laid out, Marked and Numbered from 1, to 100, with the ſame Streets, Alleys and Lanes, as formerly laid out; provided they do not incommode the preſent Settlements: And to ſet up Poſts, &c. to diſtinguiſh the ſame Survey for ever. (3.) The Land ſo ſurveyed, &c. is erected into a Town to be called *Upper-Marlborough* Town. (4.) The Owners of the Lots already taken up and not built upon, or that ſhall hereafter take up any of the ſaid Lots, ſhall build on ſuch Lot or Lots, (within Three Years after ſuch Survey made and recorded, according to Directions of this Act) One Houſe to cover 400 ſquare Feet of Ground, with one good Brick or Stone Chimney at leaſt: And ſuch Owners not Building as aforeſaid, ſhall, at the Expiration of the ſaid Three Years, loſe their Right, Title and Property therein, and ſuch Lots ſhall become the Property of the former Proprietors. (5.) Owners of Dwelling Houſes already built on any of the ſaid Lots, and which have only Wooden Chimneys, ſhall build Brick or Stone Chimneys to ſuch Houſes within 12 Months after the Survey aforeſaid, on Forfeiture of 5 Shillings Current Money for every Month that any Perſon ſhall Dwell, or uſe Fires therein, and ſo *pro rato* for a longer or ſhorter Time, to be recovered before a ſingle Magiſtrate, and applied by the Commiſſioners to the public Uſe of the Town. (6.) Owners of Lots being under Age, beyond Seas, &c. ſhall have Liberty to improve and build on their Lots, according to the Directions of this Act, at any Time within one Year after arriving at Age, &c. (7.) The Commiſſioners to appoint a ſkilful Clerk to make a fair Entry of all their Proceedings in a ſufficient Book; to whom the Surveyor ſhall deliver a fair Plat of the ſaid Lots, &c. which Clerk and his Succeſſors, ſhall tranſmit the ſaid Proceedings and Plat, to the Clerk of *Prince-George*'s County, to be lodged and taken Charge of, among the County Records. (8.) The Commiſſioners impowered to agree with the Proprietors of the Land not already taken up, for the Price of the ſame; in which Caſe, the Price ſet by them on each Lot, ſhall be paid by the Taker-up; but in caſe of their Diſagreement, then to cauſe the ſame to be valued by a Jury, and the Payment of the Sum aſſeſſed on any Lot by ſuch Jury, to the Owners, or a Tender thereof by Perſons willing to take up the ſame, and Refuſal thereof by the Proprietors, and ſuch Tender and Refuſal duly Proved before Two Magiſtrates of the County, and an Entry made by the Town Clerk, and returned by him to be lodged with the other Proceedings in the County Court Office, ſhall give ſuch Perſons paying or tendering as aforeſaid, an abſolute Eſtate in Fee-ſimple in ſuch Lot or Lots, they complying with the other Requiſites in this Act mentioned. (9.) All Lots hereafter to be taken up, ſhall be built upon, &c. as aforeſaid, within Three Years after taking up: Which Lots ſo built upon and paid for, or Tender, &c. as above provided, ſhall be the Right, Property and Eſtate of ſuch Perſons ſo taking up, improving and paying, &c. their Heirs and Aſſigns for ever. (10.) All Perſons to have Liberty of taking up Lots and entering the ſame for Two Years from the Time of making the Survey: And all Lots not taken up within that Time, to revert to the former Proprietors. (11.) Each Lot ſo taken up, paid for, and built on, ſhall be liable to the Payment of One Penny Sterling *per Annum* to the Lord Proprietary for ever: And the County Clerk ſhall tranſmit an Annual Account of all ſuch Lots, &c. to his Lordſhip's Agent. (12.) The Lot heretofore bought and ſet apart for a Meeting-houſe, ſhall not be liable to be taken up, but remain for the Uſe of the Diſſenting Miniſter officiating therein for the Time being, and Congregation, in the ſame Manner, and to the ſame Purpoſe as it was at firſt taken up and built on. (13.) The Lot formerly bought, &c. for a School, ſhall not be taken up, but the ſaid Lot and School-houſe, and other Houſes, &c. thereunto belonging, is hereby declared to be veſted in the Reverend Mr. *John Eversfield*, Col. *Joſeph Belt*, Mr. *John Magruder*, Mr. *Richard Keene*, and Mr. *David Crawford*, for the Uſe of the ſaid School: And the ſame *John Eversfield*, &c. and their Succeſſors, are hereby appointed Viſitors of the ſame School, and ſhall at all Times hereafter, have, hold, and enjoy, all and ſingular the Powers and Authorities which the Viſitors of the ſeveral Free-Schools within this Province, do lawfully have, hold, and

and enjoy. And when any of the Visitors aforesaid, shall remove out of the County, or otherwise become unable, or refuse to execute the Office of Visitor as aforesaid, then the other Visitors aforesaid, or major Part of them, are enabled to meet and chuse one other Visitor in the Place of such Visitor dying, &c. and so *toties quoties*, as often as the Case shall happen as aforesaid. Provided the Visitors herein named, as well as those who shall hereafter be chosen as aforesaid, shall in all Things qualify themselves as the Visitors of the Free-Schools by Law are obliged to Qualify. CHAP. XXV.

CHAP. XXVI.

An Act impowering the Vestry-men and Church-wardens of King George's *Parish, in* Prince George's *County, to purchase Three Acres of Land in the said Parish, to build a Chapel of Ease on; and to impower the Justices of* Prince George's *County, to levy on the Taxable Inhabitants of the said Parish, in the said County, the Sum of Eight Hundred Pounds Current Money, for the* [k] *Uses therein mentioned. Lib.* B.L.C. *fol.* 309. Passed 4th *June* 1744.

[k] *Viz.* For the Purchase and Building above mentioned; which Chapel so built, shall be constituted a Chapel of Ease, and for ever to be supported and repaired at the Charges of the said Parish.

CHAP. XXVII.

An Act impowering Mary Stokes, *Widow and Executrix of* Humphrey Wells Stokes, *late of* Baltimore *County, Gent. deceased, to sell and dispose of the Lands and Tenements therein mentioned to be sold, for the Uses and Purposes thereby directed. Lib.* B.L.C. *fol.* 310. *PR.* Ditto.

CHAP. XXVIII.

An Act for the Relief of Francis O Connor, Robert Noble, *of* Dorchester *County, Planters,* Joseph Richardson, *of the said County, Shoemaker, languishing Prisoners in* Dorchester *County Goal;* Thomas Joy, *a languishing Prisoner in* Talbot *County Goal;* Cornelius Mahany, *of* Cæcil *County, Taylor, a languishing Prisoner in* Cæcil *County Goal; and* Robert Floyd, *in* Queen-Anne's *County Goal. Lib.* B.L.C. *fol.* 313. *PR.* Ditto.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 5th Day of *August*, and ended the 28th Day of *September*, in the 31st Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1745: The following Laws were Enacted. 1745.

THOMAS BLADEN, Esq; Governor.

CHAP. I.

An Act continuing an Act, entitled, [a] *An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 317. *EXP.* Passed 28th *Sept.* 1745.

[a] 1744, *ch.* 4, hereby continued 'til the 25th *December* 1746.

CHAP. II.

An additional Supplementary Act to the Act, entitled, [b] *An Act for Laying out and Erecting a Town, at a Place called* Long-Point, *on the West side of* North-East *River, in* Cæcil *County. Lib.* B.L.C. *fol.* 317. Ditto.

[b] 1742, *ch.* 23.

N. B. This Act impowered the Commissioners of the said Town, to dispose of the Lots (which should happen to be forfeited on the 10th Day of *May* following, for want of Building thereon, &c. as by the said Act appointed) by way of Ballot; in the same Manner, and giving the same Notice, as is in the said Act directed; or in such other Manner as to the major Part of them should appear most conducive to the Benefit of the Town: And directs all Money arising by the Disposal of such Lots to be laid out for the Public Uses of the Town, and be accounted for by the Commissioners in the same Manner as directed by former Acts relating thereto.

CHAP. III.

Paſſed 28th *Sept.* 1745.

A Supplementary Act to the Act, entitled, [c] *An Act to enable Commiſſioners therein named, to lay out Forty Acres of Land into Eighty Lots, for a Town on* Indian *River, in* Worceſter *County; as alſo Forty Acres of Land into Eighty Lots at the Head of* Aſſeteague *Creek, in a Place commonly called* The Trap, *for a Town.* *Lib.* B.L.C. *fol.* 318.

[c] 1744, *ch.* 23.

N. B. The Surveyor of *Worceſter* County having refuſed to ſtake and diſtinguiſh the Lots in the ſaid Towns, &c. And it alſo appearing that the Town called *Baltimore-Town*, is not laid out in ſo commodious a Place, or on ſuch navigable Water as it would be, if laid out more bending on *Indian* River than at preſent it does: This Act, (1.) Appoints and impowers certain Commiſſioners, with the Aſſiſtance of the Surveyor of *Worceſter* County, to lay out a-new the ſaid Town called *Baltimore-Town*, in ſuch Manner as to them ſhould ſeem meet, ſo as to include within the Bounds thereof, ſuch navigable Water as might be moſt conveniently ſituate thereto: And the ſaid Commiſſioners are inveſted with the ſame Powers, &c. in laying out the ſaid *Baltimore-Town* a-new, as the Commiſſioners were by the former Act inveſted with. (2.) The Surveyor of *Worceſter* County obliged to lay out, ſtake, mark, and number, every Lot, &c. (3.) The ſeveral Matters to be done by virtue of this Act, to be compleated on or before the 1st *May* 1746.

CHAP. IV.

Paſſed 28th *Sept.* 1745.

A Supplementary Act to the Act, entitled, [d] *An Act appointing Commiſſioners for dividing* St. Mary's *County into Four Pariſhes; and to erect that Part of* All-Faith *and* King and Queen *Pariſh lying in* Charles *County, into a diſtinct Pariſh.* *Lib.* B.L.C. *fol.* 318.

[d] 1744, *ch.* 14, which having been neglected to be carried into Execution, within the Time therein limited, by the Commiſſioners thereby appointed; the preſent Act impowered certain Others to carry the ſame Act into Execution, ſo far as relates to the dividing *St. Mary's* County into Pariſhes, in the ſame Manner, &c. as therein directed, &c. See 1748, *ch.* 4.

CHAP. V.

Ditto.

An Act for laying out the Town a-new commonly called Princeſs-Anne-Town, *in* Somerſet *County.* *Lib.* B.L.C. *fol.* 319.

N. B. The Bounds of the Town and Lots being very obſcure, and no Right to be obtained in Lots not already taken up, from an Incapacity of the Owner to convey the ſame: This Act (1.) Impowers certain Commiſſioners to ſurvey and lay out the ſame Twenty-five Acres of Land formerly laid out for a Town (by the Act of 1733, *ch.* 13,) as agreeable to the original Survey as may be, without incommoding the preſent Settlements thereon; and always having regard to the Ground already laid out for Public Buildings, that the ſame be continued to that Uſe, and none other, for ever. (2.) The Commiſſioners, with the Aſſiſtance of a ſkilful Surveyor, to reſurvey the ſaid Twenty-five Acres before the 1st *May* 1746, and lay out the ſame into as many convenient Lots as were heretofore in the ſaid Town laid out, marked and numbered, from 1, to 30; with the ſame Streets, Alleys, &c. as formerly laid out, provided they do not incommode the preſent Settlements, nor the Public Ground before mentioned; and to cauſe durable Poſts, or other Boundaries, to be ſet up, to ſettle and diſtinguiſh the ſame Survey for ever. The Surveyor to find Poſts, &c. for each Lot, Street, &c. and to fix the ſame in their proper Places, with the Mark or Number of the Lot, which Poſt is to aſcertain the Beginning of the ſaid Lot: And to make out fair and exact Plats of the Town and Survey thereof, whereby each Lot, Street, Lane, &c. may appear well diſtinguiſhed by their Numbers and Names; and the ſame Plats, with full Certificates thereof, ſhall deliver to the Commiſſioners, to be entered by, and repoſited with, the Town Clerk. (3.) The Land ſo laid out, &c. ſhall be erected into a Town, to be called *Princeſs-Anne-Town.* (4.) The Owners of Lots already taken up, and not built upon, or that ſhall hereafter be taken up, are required to build thereon (within 3 Years after the Survey made, and a Record thereof entered according to this Act) One Houſe, to cover 400 ſquare Feet of Ground, with one good Brick or Stone Chimney at leaſt. And if ſuch Owners neglect to build as aforeſaid, then ſhall their Right, Title, &c. to ſuch Lot, at the Expiration of the ſaid 3 Years, ceaſe and determine; and ſuch Lots become the Property of the former Proprietors. But if ſuch Owners of Lots be under Age, beyond Seas, &c. at the Time of ſuch Survey, &c. then ſhall ſuch Owner have Liberty to improve and build upon ſuch Lots at any Time within 3 Years after arriving at Age, &c. (5.) The Commiſſioners to employ a ſkilful Clerk, who ſhall make a fair Record and Entry of their Proceedings, in a ſufficient Book, &c. which Clerk ſhall tranſmit to the Clerk of *Somerſet* County, the whole Proceedings, together with the Plat of the Town delivered to him by the Surveyor, to be lodged and taken Charge of among the County Records. (6.) In caſe of Refuſal, or Diſability of the Owner to ſell, the Commiſſioners were impowered to cauſe ſuch Lots to be valued by a Jury: And the Payment of their Valuation to the Proprietor of the Land, or a Tender thereof to, and Refuſal of Acceptance by, ſuch Proprietors, being duly proved before Two County Magiſtrates, and an Entry or Record thereof by the Town Clerk, and returned by him to be lodged with the other Proceedings in the County Court Office, ſhall give the Perſons ſo paying or tendering, and complying with the other Requiſites in this Act mentioned, a good and indefeaſible Eſtate of Inheritance, in Fee-ſimple, to them, their Heirs and Aſſigns for ever. (7.) All Lots hereafter to be taken up, ſhall be built upon and improved, according to the before mentioned Dimenſions, within 3 Years after taking up: Which Lots ſo built upon, and paid for, or a Tender made, &c. as before Provided, ſhall be the Right, Property, &c. of the Perſons ſo taking up, improving, &c. their Heirs and Aſſigns for ever. (8.) All Perſons to have Liberty to take up Lots for Seven Years after making the Survey; and all Lots, not taken up within the ſaid Time, to revert to the former Proprietors. (9.) Owners of Lots in the ſaid Town, to pay One Penny Sterling *per Annum* for each Lot taken up,

up, *&c.* to the Right Honourable the Lord Proprietor, and his Heirs for ever. (10.) A saving to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all others not mentioned in this Act, their several Rights, *&c.* CHAP. V.

See the Act to aid the Titles of Purchasers of Lots in this Town, (which appeared to be an Escheat to the Lord Proprietor) 1751, *ch.* 16, and its Supplementary Act of 1753, *ch.* 33.

CHAP. VI.

An Act to prohibit raising of Swine and Geese, in the Town of Cambridge, *in* Dorchester *County*. *Lib.* B.L.C. *fol.* 322. Passed 28th *Sept.* 1745.

N. B. By this Act, (1.) No Inhabitant of the Town, shall, on any Pretence whatsoever, keep, or support within the same Town, any Swine or Geese, belonging to themselves, or any others, unless such Swine or Geese be kept within such Person's own Inclosures. (2.) Persons convicted before any Magistrate (on Confession or Proof) of transgressing this Act, shall pay Five Shillings Current Money for each Transgression; to be levied on the Offender's Body, Goods, *&c.* by Execution, as in case of small Debts; and to be applied to the Use of the County Free-School.

CHAP. VII.

An Act to impower and direct the Clerk of Anne-Arundel *County Court, to enter and record, among the said County Records, a Deed of Bargain and Sale from* William Mitchel, Edward Mitchel *and* Grace *his Wife, to* Mordecai Moore, *deceased*. *Lib.* B.L.C. *fol.* 323. *PR.* Ditto.

The Requisites of this Act not being performed, another was passed to the same Purpose, 1748, *ch.* 8.

CHAP. VIII.

An Act to impower and direct the Clerk of Charles *County, to enter and record, among the said County Records, a Deed of Bargain and Sale from* James Connel *and* Anne *his Wife, to* John Dunbar, *of a Parcel of Land therein mentioned*. *Lib.* B.L.C. *fol.* 324. *PR.* Ditto.

CHAP. IX.

A Supplementary and Additional Act to the Act, entitled, [e] *An Act for erecting a Town on the North side of* Patapsco, *in* Baltimore *County, and for laying out in Lots Sixty Acres of Land in and about the Place where* John Flemming *now lives; and to an Act, entitled,* [f] *An Act for erecting a Town on a Creek divided on the East from the Town lately laid out in* Baltimore *County, called* Baltimore-Town, *on the Land whereon* Edward Fell *keeps Store*. *Lib.* B.L.C. *fol.* 325. Ditto.

[e] 1729, *ch.* 12.

[f] 1732, *ch.* 14.

N. B. On the joint Petition of the Inhabitants of *Baltimore* and *Jones*'s Towns, in the County of *Baltimore*, it is herein enacted, (1.) That the same Towns, now called *Baltimore* and *Jones*'s Town, be incorporated into one entire Town, and for the future called and known by the Name of *Baltimore-Town*, and by no other Name. (2.) The Bridge built by the Inhabitants on the Branch that divided the said Towns, shall for the future be deemed a Public Bridge, and repaired and kept, *&c.* at the Charge of *Baltimore* County. (3.) Certain Commissioners (Seven in Number) appointed to see the present and former Acts, relating to the Towns before mentioned, put in Execution, and cause them to be carefully Surveyed by their Out Lines, therein including the Branch over which the Bridge is built; and shall, from Time to Time, (for preventing Disputes) cause all the Lots taken up and improved, or that shall hereafter be taken up, *&c.* to be regularly surveyed, substantially and fairly bounded, and numbered. (4.) On the Death, Removal, or Declining to act of any Commissioners, the major Part of the remaining Commissioners shall appoint another to serve in the Stead of such Commissioner, dying, *&c.* (5.) Disputes about the Bounds of Lots shall be fully determined by a Majority of the said Commissioners: And to prevent Partiality herein, the Commissioners, or major Part, shall meet at least once a Year, and see that a Boundary to each Lot be kept up and preserved, in Manner before prescribed: And cause other sufficient Boundaries to be fixed in the Room of any missing or decayed. (6.) The Commissioners have Power to employ a Clerk, who shall be under Oath fairly and honestly to enter in a Book, to be kept for that Purpose, all the Proceedings of the said Commissioners relating to the Town: In which Book, among other Things, shall be kept a fair Plat of the said Town, describing every Lot by its right Number, and who the Taker-up was, or shall be: And to prevent Corruption, all or any of the said Commissioners, and their Successors, shall have recourse to the Clerk's Books, as frequently as they please, without Fee or Reward. (7.) The Commissioners are impowered to levy, assess, and take by way of Distress, if needful, from the Inhabitants of the Town, by even and equal Proportion, the Sum of 3*l.* yearly, to be paid to their Clerk; and also have Power to place and displace their Clerk as often as they shall think fit. (8.) The Commissioners, for the Time being, may, by due Course of Law, or any other legal Manner, in the Name of the said Commissioners, or the major Part of them, take, demand and recover, any Money which shall be found due to the first Commissioners nominated for the said Towns, from any Takers-up of Lots, by virtue of the Original Laws for laying out the same; which Money they shall apply to the Uses intended by the said Original Acts, and in no other Manner. (9.) All After-Purchasers of Lots, whether before or after the making of this Act, shall be deemed to be within the said Town; provided their Lots shall be within the Out Lines thereof: And shall have as good Estate in their Lots, as if taken up, improved and paid for under the Original Laws erecting the said Towns. (10.) All Improvements,

CHAP. IX. provements, of what Kind ſoever, either Wharfs, Houſes, or other Buildings, that have or ſhall be made out of the Water, or where it uſually flows, ſhall (as an Encouragement to ſuch Improvers) be for ever deemed the Right, Title and Inheritance of ſuch Improvers, their Heirs and Aſſigns for ever. (11.) None ſhall keep or raiſe any Swine, Geeſe, or Sheep, within the ſaid Town, unleſs they be well incloſed within ſome Lot or Pen. (12.) All Takers-up of Lots, and former and after Purchaſers under this or the former Laws, complying with the Requiſites therein directed, ſhall have a ſure indefeaſible Eſtate of Inheritance, in Fee-ſimple, in the Lots by them taken up; any Law, Cuſtom, &c. notwithſtanding.

CHAP. X.

Paſſed 28th *Sept.* 1745. *An Act to enable the Commiſſary-General to enter and record, amongſt the Records of his Office, the Laſt Will and Teſtament of* Henry Staples, *deceaſed, for the Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 327. *PR.*

CHAP. XI.

Ditto. *An Act for Settlement of Lands therein mentioned, on* Francis Waring, *and the Heirs of his Body lawfully begotten. Lib.* B.L.C. *fol.* 328. *PR.*

CHAP. XII.

Ditto. *An Act to direct and impower the Clerk of* Prince George's *County, to enter and record, among the Records of the ſaid County, a Deed of Bargain and Sale, from* John Nevil, William Collier, *and* Thomas Bond, *to* John Boyd, *of a Tract of Land therein mentioned. Lib.* B.L.C. *fol.* 329. *PR.*

CHAP. XIII.

Ditto. *An Act for aſcertaining the Allowance of Petit Jurors attending the Provincial Court, and to limit Coſts with reſpect to Evidences. Lib.* B.L.C. *fol.* 330. *EXP.*

To continue in Force 3 Years, &c. A new Law made 1749, *ch.* 2.

CHAP. XIV.

Ditto. *An Act for laying out One Acre of Land convenient to* Rock-Creek *Landing, on* Patowmack *River, on the Land* George Gordon *now lives on, and for Building a* [g] *Rolling-houſe thereon. Lib.* B.L.C. *fol.* 331.

[g] Made an Inſpecting-houſe by 1763, *ch.* 18, §. 36.

CHAP. XV.

Ditto. **An ACT for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.** *Lib.* B.L.C. *fol.* 332.

Preamble. FOR Prevention of Frauds and Abuſes frequently practiced by greedy and avaricious Traders in Pork, Beef, Tar, Turpentine, and Pitch, who, for their own private Lucre and Gain, not only make and ſet up, or cauſe to be made and ſet up, ſmall Barrels, and badly made and hooped, but ſlightly pack, and deceitfully fill the ſame, to the great Prejudice of the Trade of this Province in the ſaid Commodities and Merchandizes; For the Prevention of which ill Practices, it is humbly prayed that it may be Enacted;

Every ſuch Barrel for Exportation, ſhall Gauge at leaſt 31 Gallons and an half, Wine Meaſure. II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the Firſt Day of *October*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Forty-ſix, all and every Barrel or Barrels, which ſhall be ſet up to put Pork, Beef, Pitch, Tar or Turpentine, into; and alſo every Barrel or Barrels, wherein Pork or Beef ſhall be packed, or wherein Pitch, Tar, or Turpentine, ſhall be filled, either for Exportation out of, or Sale within this Province, ſhall be of Size and Gauge to contain at leaſt the Quantity of Thirty-one and a Half Gallons, Wine Meaſure; and that the Contents of every Pork Barrel, at Exportation or Sale, ſhall be at the leaſt Two Hundred and Twenty Pounds of good nett Pork; and of every Beef Barrel, the like Quantity of good nett Beef, well ſalted and preſerved; and that every Tar or Turpentine Barrel ſhall be filled with good clean merchantable Tar or Turpentine; and every Pitch-Barrel with good true-made merchantable Pitch.

Pork and Beef Barrels to contain at leaſt 220 lb.

Tar and Turpentine Barrels to be filled, &c.

III. **And** to the End, that all and every Barrel or Barrels to be hereafter made uſe of for any of the Purpoſes aforeſaid, may from Time to Time be ſet

CHAP. XV.

set up, made, packed and filled, according to the Directions of this Act, **Be it Enacted**, *by the Authority aforesaid*, That whatsoever Person or Persons, shall wittingly or knowingly make, or set up, or cause to be made and set up, after the first Day of *October*, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty-six, any Barrel or Barrels for Pork, Beef, Pitch, Tar, or Turpentine, of less Size, Gauge, or Dimensions, than is directed by this Act, all and every such Person or Persons, shall, for every such Barrel, forfeit and pay the Sum of Two Shillings and Six-pence Current Money, to be recovered and applied, according to the Directions of this Act herein after mentioned.

Penalty for making or setting up Barrels of less Size, 2 *s* 6 per Barrel.

IV. **And be it further Enacted**, *by the Authority aforesaid*, That whatsoever Person or Persons, from and after the said First Day of *October*, shall pack Pork or Beef for Sale, in any Barrel or Barrels made and set up contrary to this Act, in Size, Gauge, and Dimensions, or shall in any Barrel or Barrels, pack less Pork or Beef than this Act requires, *That is to say*, Sufficient to make each Barrel hold out, at Sale or Exportation, the Quantity directed by this Act to be the nett Quantity and Contents of a Barrel of Pork, or Barrel of Beef, all and every such Person or Persons, shall, for every such Barrel, forfeit and pay the Sum of Ten Shillings Current Money.

Penalty for packing Pork or Beef for Sale, contrary to this Act,

10 *s*. per Barrel.

V. **And be it further Enacted**, *by the Authority aforesaid*, That whatsoever Person or Persons, from and after the First Day of *October*, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty-six, shall barter away, bargain for, or sell, or expose, or offer to Sale, in any way, within this Province, any Pork or Beef, in any Barrel or Barrels made or set up contrary to this Act, in Size, Gauge, and Dimensions, or shall barter away, bargain, sell, or expose, or offer to Sale, in any way whatsoever as aforesaid, any Barrel or Barrels of Pork, of less nett Contents in Pork, or any Barrel or Barrels of Beef, of less nett Contents in Beef, than this Act directs, all and every such Person or Persons, shall, for every such Barrel, forfeit and pay the Sum of Ten Shillings Current Money.

The like Penalty for selling, bartering, *&c.* Pork or Beef packed contrary hereto.

VI. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That whatever Person or Persons, from and after the said First Day of *October*, shall barter away, bargain, or sell, or expose, or offer to Sale, in any way whatsoever, within this Province, any Tar, Turpentine, or Pitch, in any Barrel or Barrels, made and set up contrary to this Act, in Size, Gauge, and Dimensions, or shall barter away, bargain, or sell, or expose to, or offer to Sale, in any way whatsoever as aforesaid, any Barrel or Barrels of Pitch, filled up with other than good, true-made, merchantable Pitch, or any Barrel or Barrels of Tar or Turpentine, filled up with other than good merchantable Tar or Turpentine, shall, for every such Barrel of Pitch, not qualified according to the Direction of this Act, forfeit and pay the Sum of Five Shillings Current Money; and for every such Barrel of Tar or Turpentine, the Sum of Two Shillings and Six-pence Current Money.

Penalty for bartering, selling, *&c.* Tar, Turpentine or Pitch, contrary to this Act, *viz.*

Pitch, per Barrel, 5 *s*.

Tar or Turpentine, per Barrel, 2 *s*. 6 *d*.

VII. **And whereas** it often happens that Beef, Pork, Pitch, Tar, and Turpentine, are imported into this Province in Barrels, from other neighbouring Parts; For Prevention of Frauds and Abuses therein; **Be it Enacted**, *by the Authority aforesaid*, That whatsoever Person or Persons, from and after the said First Day of *October*, shall import or bring into this Province, by Land or Water, any Pork, Beef, Tar, Turpentine, or Pitch, in Barrel or Barrels, of less Size, Gauge, and Dimensions, than this Act directs; or any Barrel or Barrels of Pork of less nett Contents in Pork; or any Barrel or Barrels of Beef of less nett Contents in Beef, than this Act directs; or any Barrel or Barrels of Tar or Turpentine, filled up with other than good merchantable Tar, or Turpentine; or any Barrel or Barrels of Pitch, filled with other than good, true-made, merchantable Pitch; and shall within this Province, bargain away, barter

Persons importing the same Commodities in Barrels, Contents, or Quality contrary to the Directions of this Act, are liable to the same Penalties.

CHAP. XV.

barter, or ſell, or expoſe, or offer to Sale, in any way whatſoever, to any Perſon or Perſons whatſoever, ſuch Barrel or Barrels of Beef, Pork, Pitch, Tar, or Turpentine, or any of them; all and every ſuch Perſon or Perſons ſhall be liable to, and pay the Forfeitures and Penalties in this Act mentioned, for every Barrel bartered away, bargained, or ſold, or expoſed, or offered to Sale, contrary to this Act.

Penalty on Perſons packing for Sale, or offering to Sale, Flour or Bread, in Caſk not truly tared, 5 s. per Barrel.

VIII. **And be it further Enacted,** *by the Authority aforeſaid,* That any Perſon or Perſons whatſoever within this Province, who ſhall, after the ſaid firſt Day of *October*, pack into any Barrel or Barrels Flour, or into any Barrel or Barrels or other Caſk Bread, for Sale, and ſhall not put on the Bilge of ſuch Barrel or Barrels, Caſk or Caſks, the juſt and true Tare of ſuch Barrel or Barrels, Caſk or Caſks, with Marking Irons, in plain Figures, and ſhall, without ſuch Marking of the Tare aforeſaid on the Bilge of every ſuch Barrel or Barrels, Caſk or Caſks, expoſe ſuch Barrel or Barrels of Flour, or Barrel or Barrels, Caſk or Caſks of Bread, to Sale, without the true Tare of ſuch Barrel or Barrels, Caſk or Caſks, being marked on the Bilge as aforeſaid, ſhall, for every ſuch Barrel or Caſk ſo expoſed to Sale, contrary to this Act, forfeit and pay the Sum of Five Shillings Current Money.

Proſecutions on this Act to be commenced within 15 Days.

IX. **And be it further Enacted,** *by the Authority aforeſaid,* That all, or any Action or Actions to be brought, or Complaint made, to a Juſtice of the Peace, as the Caſe may require, for any Breach or Breaches of this Act, ſhall be commenced or made within Fifteen Days next after the Offence or Offences committed, or Diſcovery made of the ſame, and not after.

Penalties how to be recovered,

X. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That all the Penalties and Forfeitures in this Act before mentioned, ſhall and may be recovered with Coſts in any County Court of this Province, in the Name of the Lord Proprietary, and the Informer, by Action of Debt, Bill, Plaint, or Information, in which no Eſſoin, Protection, or Wager of Law ſhall be allowed; or before a ſingle Magiſtrate, as the Caſe ſhall require: One Moiety of which Penalties and Forfeitures ſhall go to the County, to defray the contingent Charges of the ſaid County, where the Action is commenced, or Complaint made and determined; the other Moiety to him, her, or them, who ſhall inform, or ſue for the ſame.

and applied.

But none ſhall be liable to the Penalties after the Goods have been received by the Buyer, unleſs Information be made in Ten Days.

XI. **Provided always,** and it is the true Intent and Meaning of this Act, That no Perſon or Perſons, bartering, or ſelling, ſuch Barrel or Barrels of Pork, Beef, Pitch, Tar, Turpentine, Flour, or Bread, as aforeſaid, in any Manner, contrary to this Act, ſhall be ſubject or liable to any Forfeiture or Forfeitures in this Act contained, after the ſame is taken and received out of his or their Poſſeſſion, by the Buyer or Buyers, and unleſs ſuch Information be made as aforeſaid, to ſome Magiſtrate, within Ten Days next after committing ſuch Offence or Offences.

Continuance.

XII. This Act to continue for Three Years, from the ſaid Firſt Day of *October*, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Continued by 1750, *ch.* 10; 1753, *ch.* 3; 1757, *ch.* 6; 1760, *ch.* 11; and 1763, *ch.* 12, for Three Years, *&c.*

At

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, the 17th Day of *June*, and ended the 8th Day of *July*, in the 32d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1746: The following Laws were made, &c.

THOMAS BLADEN, Eſq; Governor.

CHAP. I.

An Act for iſſuing and taking out of the Office of the Commiſſioners or Truſtees appointed for emitting Bills of Credit, eſtabliſhed by Act of Aſſembly, the Sum of Four Thouſand Five Hundred Pounds Current Money, for Encouragement of ſuch able-bodied Free-men as ſhall voluntarily Enliſt themſelves into his Majeſty's Service, for the intended Expedition againſt Canada, *and for maintaining and conveying them to the Place of Rendezvous; as alſo for Replacing of the ſaid Sum, and for the better regulating Ordinaries and Ordinary-Keepers, and for other Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 337. *EXP.* Paſſed 26th *June* 1746.

N. B. This Act, ſo far as related to Ordinaries, Ordinary-Keepers, and Ordinary-Licences, was, by the Act paſſed in *November* Seſſion this preſent Year (*viz.* 1746, *ch.* 10,) continued from and after the Payment of the above Sum of 4500*l.* into the Office, till the Sum of 900*l.* granted by that Act ſhould be fully and compleatly paid into the ſaid Office, &c. By the Act of 1754, *ch.* 9, §. 17, it was continued until ſuch Time as the Purpoſes of the above recited Acts, ſhould be fully anſwered; and alſo till ſuch Time as the Sum of 6000*l.* granted by that Act, ſhould be raiſed and paid to the Commiſſioners or Truſtees for emitting Bills of Credit, &c. And by the Act of 1756, *ch.* 5, §. 96, it was further continued in full Force, from and after the ſeveral Purpoſes in the above recited Acts mentioned, are fully anſwered, &c. until the 40000*l.* (granted by that Act) ſhould be thereby, (and by the ſeveral Ways and Means in the ſaid Act of 1756, *ch.* 5, directed) repaid and replaced in the ſaid Office, and to the End of the next ſucceeding Seſſion; ſo that it totally expired the 26th *November* 1763.

CHAP. II.

An Act continuing an Act, entitled, [a] *An Act for the Advancement of Juſtice. Lib.* B.L.C. *fol.* 347. *EXP.* Paſſed 8th *July* 1746.

[a] 1742, *ch.* 4, hereby continued 3 Years, &c.

CHAP. III.

An Act continuing an Act of Aſſembly of this Province, entitled, [b] *An Act for the better Relief of poor Debtors. Lib.* B.L.C. *fol.* 347. *EXP.* Ditto.

[b] 1722, *ch.* 13, hereby continued 3 Years, &c.

CHAP. IV.

An Act continuing an Act, entitled, [c] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law, and for continuing the* [d] *Supplementary Act thereto. Lib.* B.L.C. *fol.* 348. *EXP.* Ditto.

[c] 1714, *ch.* 4: [d] 1728, *ch.* 24: Both which were hereby continued for 3 Years, &c.

CHAP. V.

An Act continuing an Act of Aſſembly of this Province, entitled, [e] *An Act to prevent the ill Practices of Sheriffs, in collecting and paying the Public and County Levies. Lib.* B.L.C. *fol.* 348. *EXP.* Ditto.

[e] 1742, *ch.* 7; hereby continued 3 Years, &c.

CHAP. VI.

An Act continuing an Act, entitled, [f] *An Act for the ſpeedy Recovery of ſmall Debts out of Court, before a ſingle Juſtice of the Peace. Lib.* B.L.C. *fol.* 348. *EXP.* Ditto.

[f] 1732, *ch.* 27; hereby continued 3 Years, &c.

CHAP. VII.

Passed 8th July 1746.

An ACT for erecting a County School in *Worceſter* County, and appointing Viſitors for the ſame. *Lib.* B.L.C. *fol.* 349.

A Supplementary Act 1763, *ch.* 16.

Preamble.

WHEREAS, ſince the making an Act of Aſſembly of this Province, entitled, *An Act for the Encouragement of Learning, and erecting Schools in the ſeveral Counties within this Province*, the County of *Somerſet*, in the ſaid Act mentioned, hath been divided, and a new County erected thereout, by the Name of *Worceſter* County. And whereas it ſeems highly neceſſary, that the ſaid new County ſhould have and enjoy the ſame Benefit and Advantage in a County School, as the other Counties within this Province; It is humbly prayed that it may be Enacted;

Viſitors appointed, and inveſted with the ſame Powers, as Viſitors of other County Schools.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Reverend Mr. *Patrick Glaſgow*, Col. *John Scarborough*, Capt. *John Purnell*, Capt. *Thomas Robins*, Capt. *William Lane*, Major *John Selby*, and Col. *James Martin*, be, and are hereby nominated, appointed, and named Viſitors for *Worceſter* County School aforeſaid, and are hereby inveſted with the ſame Powers and Authorities for diſcharging the ſeveral Offices, Duties and Truſts, repoſed in, and required of the Viſitors, as well in the above-recited Act mentioned, as in the Supplementary Act relating thereto, in as full and ample Manner to all Intents and Purpoſes whatſoever, as if the ſaid *Worceſter* County had been a County at the Time of making the above-recited Acts, and had been particularly and expreſsly mentioned therein.

The Duties, &c. appropriated for the Support of Schools, to be divided into 13 Parts; of which *Worceſter* County School to have one.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That the Money ariſing within this Province for the Uſe of County Schools, from and after the Twenty-ninth Day of *September* next, that ſhall come into the Public Treaſurers Hands, ſhall be divided into Thirteen equal Parts, and that the Treaſurers in whoſe Hands ſuch Money lies, are hereby required to make due Payment of one of thoſe Thirteen Parts, or Dividends of Money, that ſhall come into their Hands for the Uſes aforeſaid, after the ſaid 29th Day of *September*, to the Viſitors of the ſaid *Worceſter* County School, and their Succeſſors, or the major Part of them, or their Orders, whenſoever they ſhall have Occaſion to draw on ſuch Treaſurers for the ſame: And the Viſitors aforeſaid, and their Succeſſors, are hereby impowered to diſpoſe of all ſuch Money as they ſhall receive from Time to Time, in ſuch Manner as may be moſt for the Encouragement and Advancement of the ſaid *Worceſter* County School.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 8th July 1746.

An Act impowering the Veſtry-men and Church-wardens of Chriſt-Church *Pariſh, in* Calvert *County, to build a Chapel of Eaſe in the ſaid Pariſh; and to impower the Juſtices of ſaid County, to levy on the Taxable Inhabitants of the ſaid Pariſh, the Sum of Eighty Thouſand Pounds of Tobacco, for the* [z] *Uſes therein mentioned. Lib.* B.L.C. *fol.* 350.

[z] *Viz.* For building the ſaid Chapel, &c.

CHAP. IX.

Ditto.

An Act impowering the Juſtices of Talbot *and* St. Mary's *County Courts, to allow at the laying their next County Levy, unto* Jonas Green *of the City of* Annapolis, *Printer, the Sums therein mentioned. Lib.* B.L.C. *fol.* 350.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 6th, and ended the 12th Day of *November*, in the 32d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1746: The following Law was Enacted.

THOMAS BLADEN, Eſq; Governor.

CHAP. X.

An Act for iſſuing and paying out of the Office of the Commiſſioners or Truſtees for emitting Bills of Credit, eſtabliſhed by Act of Aſſembly, the Sum of Nine Hundred Pounds Current Money, in Bills of Credit; as alſo for the Payment of Two Hundred Pounds Sterling Money, for purchaſing Proviſions for his Majeſty's Forces raiſed in this Province, and other Purpoſes; and for continuing Part of an Act therein mentioned. *Lib.* B.L.C. *fol.* 353. Paſſed 12th *Nov.* 1746.

N. B. By this Act, ſo much of the Act of 1746, *ch.* 1, as related to Ordinaries, &c. was continued in Force from and after the Payment of the 4500 *l.* (by that Act granted) into the ſaid Office: And alſo till the Sum of 900 *l.* hereby granted, ſhould be fully paid into the Office unto the Commiſſioners, and to the End of the next ſucceeding Seſſion.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 16th Day of *May*, in the 32d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 11th Day of *July*, in the 33d Year of his Lordſhip's Dominion, *Annoq; Domini* 1747: The following Laws were Enacted. 1747.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees. *Lib.* B.L.C. *fol.* 357. *EXP.* Paſſed 11th *July* 1747.

To be in Force from the 1st *December* 1748, for 5 Years. A new Inſpection Law made 1753, *ch.* 22.

CHAP. II.

An Act for Trial of all Matters of Fact, in the ſeveral Counties where they have ariſen or ſhall ariſe. *Lib.* B.L.C. *fol.* 394. *EXP.* Ditto.

To be in Force till the 1st *November* 1749.

CHAP. III.

An ACT to remedy ſome Proceedings in the Court of *Charles* County; and to prevent the Removal of the Records from the Public Offices. *Lib.* B.L.C. *fol.* 400. Ditto.

N. B. This Act was occaſioned by the breaking out of a Fire in the Houſe of Mr. *Edmond Porteous*, Clerk of *Charles* County Court, which conſumed the Houſe, and ſeveral original Papers in Cauſes depending in the Courts held in the Months of *June*, *Auguſt* and *November* 1746. The Defects and Irregularities in the Proceedings, &c. occaſioned thereby, are aided and ſupplied

CHAP. III.

plied by the ſeveral Clauſes as far as §. X; which, together with the concluding Proviſo, being of a Public Nature, and intended to prevent the like Accidents for the future, are here inſerted, *viz.*

Clerks not to remove Books, Papers or Records, out of the Public Offices, *&c.* between the Hours of XI at Night, and VI in the Morning.

X. AND be it further Enacted, *by and with the Authority, Advice and Conſent aforeſaid*, That for the future, no Clerk or Regiſter within this Province (except Pariſh Regiſters) ſhall at any Time hereafter, take, remove, or carry out of their reſpective Public Offices, or cauſe or ſuffer any Perſon or Perſons to take, remove, or carry out of their reſpective Public Offices, any Books, Papers, or other Records, to their own Houſes, or to any other Place upon any Pretence whatſoever, and the ſame ſo keep, or cauſe or ſuffer to be kept out of their reſpective Public Offices, at any Time between the Hours of Eleven at Night and Six in the Morning, under Penalty of Ten Pounds Current Money for every Offence; one Moiety thereof to the Informer, or to him or her that ſhall Sue for the ſame, the other Moiety to be applied to the Uſe of the School of the County wherein the Offence ſhall be committed; to be recovered in any Court of Record in this Province, by Action of Debt, Bill of Indictment, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Penalty 10 *l.* Currency,

N. B. The Act of 1748, *ch.* 7, enables the County Clerks, to remove the laſt Recording Book for Judgments, with the four laſt Courts Dockets and Papers; and the ſame to keep at their own Houſes, or other convenient Places, for ſuch Time as to them ſhall ſeem neceſſary, without incurring the Penalties of this preſent Act.

if proſecuted in 6 Months.

XI. Provided always, That all Actions or Proſecutions, in virtue of this Act, ſhall be commenced within Six Months next after the Offence ſhall be committed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

Paſſed 11th *July* 1747.

An Act to remedy ſome Defects in an Indenture of Bargain and Sale, made and executed by Michael Curtis *and* Sarah *his Wife, late of* St. Mary's *County, deceaſed, to* Charles Carroll, *Eſq; late of the City of* Annapolis, *deceaſed. Lib.* B.L.C. *fol.* 402. *PR.*

CHAP. V.

Ditto. *An Act to prohibit the raiſing of Swine and Geeſe in* Princeſs-Anne *Town, in* Somerſet *County. Lib.* B.L.C. *fol.* 404.

By this Act (1.) No Inhabitants of the ſaid Town, ſhall, under any Pretence whatſoever, keep or ſupport Swine or Geeſe, belonging to themſelves or others, except within their own Incloſures. (2.) Perſons offending contrary to this Act, ſhall pay Ten Shillings Current Money for each Offence, to be levied by Way of Execution as in caſe of ſmall Debts, and to be applied to the Uſe of the County School.

CHAP. VI.

Ditto. *An Act to prohibit the raiſing of Swine and Geeſe in the Town of* Oxford, *in* Talbot *County. Lib.* B.L.C. *fol.* 404.

By this Act (1.) No Inhabitant of the Town, to keep any Swine or Geeſe belonging to themſelves or others, except within their own Incloſures. (2.) Perſons convicted of offending contrary to this Act before any Magiſtrate, ſhall pay Ten Shillings Currency for each Offence, leviable by Execution, as in caſe of ſmall Debts, and to be applied to the Uſe of the County School.

CHAP. VII.

Ditto. *A Supplementary Act to the Act, entitled, An Act for laying out the Town a-new, commonly called* Snow-Hill *Town, in* Somerſet *County. Lib.* B.L.C. *fol.* 405.

N. B. The Original Act of 1742, *ch.* 11, having directed the Plat of the Town, and Proceedings of the Commiſſioners to be lodged with the Clerk of *Somerſet* County, which (by reaſon of the late Diviſion of that County) might make it very inconvenient to the Inhabitants of *Snow-Hill* Town to reſort to the Clerk of *Somerſet* County, for making the neceſſary Searches, &c. the preſent Act directs, (1.) That the Record-Book of the Proceedings of the Commiſſioners, and Plat of the Town, ſhall be tranſmitted to the Clerk of *Worceſter* County, to be lodged among the Records of the ſaid County, *&c.* (2.) That no Perſon living within the ſaid Town, ſhall, on any Pretence, keep any Swine or Geeſe, belonging to themſelves, or any other, within the ſame Town, unleſs within their own Incloſures, under Penalty of Ten Shillings Current Money for each Tranſgreſſion; to be recovered before any Magiſtrate as in the caſe of ſmall Debts, for the Uſe of the County-School.

CHAP.

CHAP. VIII.

An Act enabling and requiring the Clerk of Baltimore *County Court, to record a Deed of Bargain and Sale, from* Morgan Murray *to* Mary Stevenson, *and the making valid the same. Lib.* B.L.C. *fol.* 406. *PR.* Passed 11th *July* 1747.

CHAP. IX.

An Act impowering the Vestry-men and Church-wardens of All-Saints *Parish, in* Prince George's *County, or of the County wherein the said Parish shall be, to purchase Three separate Acres of Land in the said Parish, whereon to build a Church, and Two Chapels of Ease: And to impower the Justices of* Prince George's *County, or of the County wherein the said Parish shall be, to levy on the Taxable Inhabitants of the said Parish, the Sum of Three Hundred Pounds Current Money, for the* [a] *Uses therein mentioned. Lib.* B.L.C. *fol.* 406. Ditto.

[a] *Viz.* 200 *l.* for Building the Parish Church at *Frederick-Town*, on *Carroll's* Creek; 50 *l.* towards Building the Chapel already begun, between *Monocasy* and *Seneca* Creek; and 50 *l.* towards erecting another Chapel between *Anti-eatam* and *Connogocheague*, &c.

CHAP. X.

An Act to cut off the Entail of Two Hundred Acres of Land, Part of a Tract of Land called St. Patrick's Hill, *lying in* Charles *County; and to invest* Thomas Hussey Luckett, *with an Estate in Fee-simple in the said Land: And to entail a Tract or Parcel of Land called* Waidstone's Enlargement, *and Part of a Tract of Land called* Waidstone, *lying in* Charles *County aforesaid, in lieu thereof. Lib.* B.L.C. *fol.* 408. *PR.* Ditto.

CHAP. XI.

An Act continuing an Act, entitled, [b] *An Act to prevent cutting up Tobacco Plants, destroying of Tobacco, and Tobacco-houses; and for ascertaining the Punishment of Criminals guilty of the said Offences. Lib.* B.L.C. *fol.* 410. *EXP.* Ditto.

[b] 1744, *ch.* 5, hereby continued 3 Years, &c.

CHAP. XII.

An Act continuing an Act, entitled, [c] *An Act for Punishment of Horse-Stealers, and other Offenders. Lib.* B.L.C. *fol.* 410. *EXP.* Ditto.

[c] 1744, *ch.* 20, hereby continued 3 Years, &c.

CHAP. XIII.

An ACT continuing an Act, entitled, An Act to prevent the Injuring of Harbours, within this Province; and for repealing the Act therein mentioned. *Lib.* B.L.C. *fol.* 410. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That the above mentioned Act, entitled, *An Act to prevent the Injuring of Harbours, within this Province; and for repealing the Act therein mentioned*; made at a Session of Assembly begun and held at the City of *Annapolis* the Twentieth Day of *March, Anno Domini* One Thousand Seven Hundred and Thirty-four, be, and is hereby continued, and shall remain and be in full Force for Ever. The Act of 1735, *ch.* 6, made PERPETUAL.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIV.

An Act continuing an Act of Assembly of this Province, entitled, [d] *An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy. Lib.* B.L.C. *fol.* 411. *EXP.* Passed 11th *July* 1747.

[d] 1737, *ch.* 2, hereby continued 3 Years, &c.

CHAP. XV.

An Act continuing an Act, entitled, [e] *A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several sorts of Liquors imported; and also on* Irish *Servants to prevent the Importing too great a Number of* Irish *Papists into this Province. Lib.* B.L.C. *fol.* 411. *EXP.* Ditto.

[e] 1735, *ch.* 6, hereby continued 3 Years, &c.

CHAP.

CHAP. XVI.

Passed 11th July 1747.

An Act continuing an Act of Assembly of this Province, entitled, 'A Supplementary Act to the Act, entitled, An Act for the more effectual Punishment of Negroes, and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and to an Act, entitled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes, and other Slaves, and directing the Manner of Trying Slaves. *Lib.* B.L.C. *fol.* 412. EXP.

' 1737, *ch.* 7, hereby continued 3 Years, &c.

CHAP. XVII.

Ditto.

An ACT to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse-Races near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes, and other Slaves, during the said Meetings. *Lib.* B.L.C. *fol.* 412.

Preamble.

WHEREAS the People called Quakers, have by their Petition to this present General Assembly, set forth, and complained, That (notwithstanding the former Indulgence of the Legislature in restraining Booths, and other Places for selling Liquor, from being set up, or kept within Two Miles of their Meeting-house at *West-River*, and One Mile of their Meeting-house at *Third-Haven* Creek, in *Talbot* County, which Favour they most gratefully acknowledge,) they, as well as those of other Persuasions who resort to their Yearly Meetings, labour under and suffer many Inconveniencies from the great Concourse of idle and profligate White People, and great Crowds of Negroes that assemble together at the usual Times of their Yearly Meetings, held at their said Meeting-houses, drinking to Excess, and behaving in a riotous and turbulent Manner, at Booths, and other Places where Strong and Spirituous Liquor can be had, at greater Distances than before mentioned; and that they have for some Years last past, been greatly incommoded and endangered in passing and repassing to and from their said Meeting-house, in *Talbot* County, by Multitudes of rude and disorderly People, that gather together to Run Horse-Races on the Road between the said Meeting-house at *Third-Haven* Creek, and a Place near thereto, called *New-Market*: For Prevention of which Evils for the future, they have prayed that it may be Enacted——

N. B. By the Act of 1752, *ch.* 14, §. 4, (for amending and explaining the present Act) so much of this Act as prohibits the Setting up and Erecting any Booth or Conveniency; or selling or disposing of any Strong or Spirituous Liquors, or other Accommodations; or giving any Entertainment to any Persons, at a Distance less than Three Miles, (*viz.* §. II, III, IV, V, VI, and IX,) is Repealed. The aforesaid Sections are therefore omitted. But the Penalties in this Act are to be applied according to the Directions in §. II, *viz.* "One Half to the Informer, or "him or them who will sue for the same, the other Half to the Use of the County-School where "such Offence shall be committed; to be recovered in any Court of Record within this Pro-"vince, by Action of Debt, Bill, Plaint, or Information; wherein no Essoin, Protection, or "Wager of Law shall be allowed."

Penalty on Horse Racing within Five Miles of the Quakers yearly Meetings.

VII. And be it further Enacted, That no Person or Persons whatsoever, shall hereafter Run or Pace any Race or Races, with any Horse, Mare, or Gelding, for any Wager or Wagers, for Diversion, or on any Pretence whatsoever, on the Ground commonly called *New-Market*, in *Talbot* County, or within the Distance of Five Miles from the Meeting-house in the said County, or within Five Miles of the Meeting-house on *West-River*, in *Anne-Arundel* County, on the Days on which the said Meetings, or either of them, shall be kept and held, under the Penalty of the Owner or Owners of such Horse, Mare, or Gelding, who shall so Run or Pace his Horse, Mare, or Gelding, or knowingly suffer them to be Run or Paced, forfeiting and paying for every such Race Five Pounds Current Money, to be recovered and applied as aforesaid. And the Person or Persons who shall presume to make any Horse-Race, lay any Wager on such Race, or Run for his or their Diversion, or who shall presume

presume to ride a Race on any Horse, Mare, or Gelding, belonging to any other Person, on the Days, and within the Distance from the said respective Meeting-houses aforementioned, shall for every Offence, forfeit and pay the Sum of Five Pounds Current Money, to be recovered and applied as aforesaid. CHAP. XVII.

VIII. **And be it further Enacted and Declared**, That the Constables of the several and respective Hundreds of the said Counties of *Anne-Arundel* and *Talbot*, shall, upon their knowing, or being applied to, during the Time of holding the said yearly Meetings, by any other Person or Persons informing them, that great Numbers or Crowds of Negroes or other Slaves have met in a tumultuous and disorderly Manner within the said Counties, immediately to repair with such Assistance as he or they shall think necessary, to such Place where such Negroes and other Slaves shall be assembled, and require and command them immediately to disperse and retire to their several Dwellings; which if they, or any of them, shall refuse or delay to do, or shall behave impudently or turbulently, such Constable or Constables shall seize and take such Negro or Negroes, or other Slave or Slaves, so refusing, delaying, or misbehaving, and give him, her, or them, a due Correction, by Whipping on the bare Back with any Number of Stripes not exceeding Thirty-nine. Duty of Constables with regard to Slaves tumultuously assembled during such Meetings.

§. IX, being Repealed, *(see the Note after* §. 1,) is omitted.

X. This Act to continue from and after the End of this present Session of Assembly, for and during the Space of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years. Continuation.

Examined and Compared with the Original Act, Reverdy Ghiselin, Thomas Bacon.

Farther continued by 1751, *ch.* 19; 1754, *ch.* 12; 1757, *ch.* 20; and 1762, *ch.* 3.

CHAP. XVIII.

An Act impowering certain Commissioners therein mentioned, to lay out, and set a Price, or cause a Price to be set on, Two Acres of Land in St. Margaret's-Westminster *Parish, in* Anne-Arundel *County, whereon the Chapel of Ease, belonging to the said Parish, now stands. Lib.* B.L.C. *fol.* 415. Passed 11th *July* 1747.

CHAP. XIX

An Act for raising Three-pence Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition, and for an immediate Supply of Arms for the Defence of this Province. Lib. B.L.C. *fol.* 416. *EXP.* Ditto.

To remain in Force till 29th *September* 1748. Continued by 1748, *ch.* 11, till the 29th *September* 1749, and then expired.

CHAP. XX.

An Act to enable Onorio Razolini *to convey, in Right of* Elizabeth Calvert *an Infant, to* George Plater, *Esq; certain Lands therein mentioned. Lib.* B.L.C. *fol.* 418. *PR.* Ditto.

CHAP. XXI.

An ACT for the Enlargement of *Baltimore* Town, in *Baltimore* County; and other Purposes therein mentioned. *Lib.* B.L.C. *fol.* 420. Ditto.

WHEREAS the Inhabitants of *Baltimore-Town*, in *Baltimore* County, by their humble Petition to this General Assembly, have set forth, That there is between what was formerly called *Jones's-Town* and *Baltimore-Town*, a Parcel of Land, of about Eighteen Acres, which is not included in what was called *Jones's-Town*, nor in *Baltimore-Town*, and which, by being laid out into Lots, would, by means of a Bridge, which is already Built, reduce the said Places into One; and that making such Addition, would be an Encouragement to People to build and improve; they therefore pray that the said Eighteen Acres of Land, or thereabouts, may be laid out into Lots, Preamble.

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Lots, and made a Part of *Baltimore-Town:* And further, the ſaid Petitioners ſet forth, That ſundry of the Lanes and Alleys of *Baltimore-Town* were made ſo Narrow as to render them Inconvenient, if not Uſeleſs; wherefore they pray, that by Conſent of the Owners of Lots in ſaid Town, the ſaid Lanes and Alleys may be enlarged;

18 Acres to be laid out into Lots by the Commiſſioners of the Town.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Commiſſioners of the ſaid *Baltimore-Town,* or the major Part of them, do, at any Time they ſhall ſee convenient, before the Firſt Day of *December* next, cauſe the ſaid Eighteen Acres of Land to be ſurveyed and laid out into Lots, in ſuch Manner as to them ſhall ſeem convenient; and that when the ſame ſhall be ſo done, it ſhall be, and is hereby declared to be Part of *Baltimore-Town* aforeſaid, to all Intents and Purpoſes whatſoever, as fully and amply as if included originally therein, and have the ſame Immunities and Privileges as the reſt of ſaid Town have, or by former Laws ought to have. And any Perſon or Perſons that ſhall Build or Improve on the ſaid Eighteen Acres of Land, or thereabouts, after the ſame ſhall be laid out into Lots, as by former Laws relating to ſaid Town is directed, and purchaſe the ſame from the Proprietor or Proprietors, ſhall have an abſolute Eſtate of Inheritance in any Lot or Lots ſo to be built on and purchaſed; but the Purchaſer or Purchaſers of any Part of the ſaid Eighteen Acres, or thereabouts, are hereby left to agree with the Proprietor or Proprietors thereof, and not otherwiſe, to have Title to any the ſaid new Lot or Lots, to be laid out in virtue of this Act.

Purchaſers of Lots to agree with the Owners of the Land.

Power of the Commiſſioners to alter Lanes, &c.

III. **And be it further Enacted,** That the Commiſſioners of the ſaid Town, for the Time being, or the major Part of them, ſhall have full Power and Authority, with the Conſent and Approbation of the Owners of any Lot or Lots already laid out in ſaid Town, to alter any Lanes or Alleys they ſhall think fit, and to Widen the ſame, ſo as to render them Commodious.

IV. **And whereas** it may be advantageous to ſaid Town, to have Fairs kept therein, and may prove an Encouragement to the back Inhabitants and others, to bring Commodities there to Sell and Vend; **Be it Enacted,** That it ſhall and may be lawful for the Commiſſioners of ſaid Town to appoint Two Fairs to be held therein annually; the one Fair to begin on the Firſt Thurſday of *October,* and the other on the Firſt Thurſday of *May* annually; which ſaid Fairs ſhall be held each for the Space of Three Days, and that during the Continuance of ſuch Fair or Fairs, all Perſons within the Bounds of ſaid Town, ſhall be Privileged and Free from Arreſts, except for Felony, or Breach of the Peace. And all Perſons coming to ſuch Fair or Fairs, or returning therefrom, ſhall have the like Privilege for One Day before the Fair, and One Day on their Return therefrom; and the Commiſſioners for the ſaid Town, are hereby impowered to make ſuch Rules and Orders for the Holding the ſaid Fairs, as may tend to prevent all Diſorders and Inconveniencies that may happen in ſaid Town, and ſuch as may tend to the Improvement and Regulating of ſaid Town in general, ſo as ſuch Rules, except in Fair-Time, affect none but the Livers in ſaid Town, or ſuch Perſon or Perſons as have, or ſhall have Lots, or a Free-hold therein; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Two annual Fairs to be held,

during which all Perſons within the Bounds of the Towns, &c. to be privileged from Arreſts.

Commiſſioners to make Rules, &c. for holding the Fairs,

not inconſiſtent with the Laws.

V. **Provided always,** That ſuch Rules and Orders be not inconſiſtent with the Laws of this Province, nor the Statutes or Cuſtoms of *Great-Britain.*

Nuſances to be removed.

VI. **And be it further Enacted,** That the Commiſſioners for the ſaid Town, or the major Part of them, from Time to Time, and at all Times, have Power to remove all Nuſances that they ſhall find in any the Streets, Lanes, or Alleys of ſaid Town.

VII. And

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VII. And for prevention of any Damage by Fire in the ſaid Town; Be it Enacted, That any Inhabitant therein, who ſhall after the Firſt Day of *December* next enſuing, permit his, her, or their Chimney to take Fire, ſo as to Blaze out at the Top, ſhall forfeit and pay the Sum of Ten Shillings Current Money for every ſuch Offence; and any Perſon having a Houſe in the ſaid Town with a Chimney, and in Uſe, who ſhall not after the ſaid Firſt Day of *December*, keep a Ladder high enough to extend to the Top of the Roof of ſuch Houſe, ſhall alſo forfeit and pay Ten Shillings Current Money; which ſaid Fines ſhall be recovered by, and in the Name of, the ſaid Commiſſioners, or the major Part of them, before a ſingle Magiſtrate, as in the caſe of ſmall Debts; and when recovered, ſhall be appropriated by the ſaid Commiſſioners, or the major Part of them, to ſome Building or Improvement in the ſaid Town, ſuch as to the Repair of the Bridge, or making and repairing a Public Wharf; and that their Clerk keep an exact Account of all Fines ariſing by this Act, and how the ſame ſhall have been diſpoſed of.

Penalty for ſuffering Chimneys to take Fire, or not keeping Ladders of a ſufficient Length.

Fines, how to be recovered, and applied.

VIII. Provided nevertheleſs, That this Act, nor any Thing herein contained, ſhall extend, or be conſtrued to extend, to enable or capacitate the ſaid Commiſſioners or Inhabitants of the ſaid Town, to elect or chooſe Delegates or Burgeſſes to ſet in the General Aſſembly of this Province as Repreſentatives of the ſaid Town: But it is hereby Enacted, That the Commiſſioners, or the Inhabitants of the ſaid Town, ſhall not elect or chooſe any Delegate or Delegates, Burgeſs or Burgeſſes, to repreſent the ſaid Town in any General Aſſembly of this Province.

This Act ſhall not enable the Town to ſend Delegates to the Aſſembly.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXII.

An Act for repairing and amending the Public and County Goal, in the City of Annapolis. *Lib.* B.L.C. *fol.* 422.

Paſſed 11th *July* 1747.

CHAP. XXIII.

An ACT to prevent Evils ariſing from the entering up Judgments upon Bonds, commonly called Judgment Bonds; to direct the Manner of iſſuing Executions on Loan-Office Bonds, and to regulate certain Fees therein mentioned. *Lib.* B.L.C. *fol.* 422.

Ditto.

WHEREAS it has been the Practice to take Bonds, with Power contained in the Condition of ſuch Bonds upon Non-Payment, to any Attorneys practiſing in any Court of Record within the Dominion of *Great-Britain*, to confeſs Judgment, and thereupon, without any previous Proceſs, Judgments have not only been confeſſed in the Provincial and County Courts of this Province, but alſo out of Courts, before a ſingle Magiſtrate, and Executions have iſſued thereon, to the great Damage of many People, who, in caſe *Capias* had iſſued, and they had Time to plead to ſuch Bonds, many good Reaſons might have been pleaded againſt the ſame; For prevention of which Evils for the future, it is humbly prayed that it may be Enacted;

Preamble.

II. And be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this Seſſion of Aſſembly, it ſhall not be lawful for any Attorney practiſing now, or who ſhall hereafter Practice the Law in any Court of Record within this Province, or any other Perſon whatever, to confeſs a Judgment either in Court, or before one or more Juſtices of ſuch Court or Courts out of Court, for any Sum or Sums of Money, or Tobacco, or other Matter, by virtue of any Power or Powers of Attorney, either ſeparate or contained in any ſuch Bonds, commonly called Judgment-Bonds, which ſhall be taken or executed after the End of this Seſſion of Aſſembly; nor ſhall it be lawful

No Judgment to be confeſſed, or given, by virtue of any Power of Attorney either ſeparate or contained in any Judgment Bond.

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for the Juſtices of any Court of Record within this Province, to give Judgment upon any ſuch Bonds, by virtue of any ſuch Power or Powers.

Recital of the Act of 1733, *ch.* 6; *which Act being expired, this, and the two following Sections, are become Obſolete.*

III. **And whereas**, by an Act, entitled, *An Act for Emitting and making Current Ninety Thouſand Pounds Current Money of* Maryland, *in Bills of Credit*, it is, amongſt other Things, therein Enacted, "That the ſaid Commiſſioners "or Truſtees, or any Two of them, may take Bonds or other Obligations, "of able and ſufficient Perſons, for any of the ſaid Bills of Credit, at the "Intereſt of Four Pounds per Cent *per Annum*, and ſo in Proportion for a "greater or leſſer Sum, payable at ſuch Time as ſhall be agreed on; which "Bonds or Obligations ſhall be payable to the Commiſſioners or Truſtees, "or their Succeſſors, and ſhall be of the ſame Force and Effect to all Intents "and Purpoſes, as Statutes Merchant, or of the Staple, and ſhall and may "be Proceeded on accordingly;" whereby it is evident, that there need no Judgments be entered up, or confeſſed upon ſuch Bonds, which makes the Expences thereof burthenſome and grievous to the Parties: For prevention of ſuch Evil for the future;

IV. **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That from and after the End of this Seſſion of Aſſembly, when any Perſon or Perſons, who have paſſed, or ſhall, during the Continuance of the Act aforeſaid paſs, any Bond or Bonds for any Sum or Sums in the ſaid Bills of Credit, to the ſaid Commiſſioners heretofore, or for the Time being, and fail in Payment, and need may require ſuing any ſuch Bond or Bonds for the better ſecuring the Sums due, it ſhall and may be lawful for the ſaid Commiſſioners or Truſtees for the Time being, to cauſe the Clerk of the Provincial Court, to enter ſuch Bond in the Records of the ſaid Court, and thereupon make an Order ſigned by them the ſaid Commiſſioners or Truſtees for the Time being, to ſaid Clerk, to make out ſuch Execution as they ſhall judge proper, againſt the Body, Goods or Chattels, Lands and Tenements, Rights or Credits, of ſuch Debtor or Debtors, their Surety or Sureties; which Order likewiſe ſhall be entered with ſuch Bond in the Records aforeſaid, by the ſaid Clerk. And the Clerk of the Provincial Court for the Time being, ſhall, and he is hereby obliged, authorized and directed, to enter ſuch Bond and Order, and immediately thereupon, to make out ſuch Execution, as ſhall be required under the Hands of the ſaid Commiſſioners for the Time being, and directed to ſuch Sheriff, Coroner, or other Officer or Officers, as the Caſe may require; and ſuch Sheriff or Sheriffs, Coroner or Coroners, or other Officer or Officers, as the Caſe ſhall or may require, are hereby impowered and directed to execute the ſame in common Form, as ſuch Writs or Executions uſually have been, ſhould, or ought to be executed.

V. **And whereas**, the Credit of the Office of the Commiſſioners or Truſtees aforeſaid, hath been, and ought to be ſupported; **It is hereby Enacted**, That no Bond or Bonds taken, or to be taken in the ſaid Office by the Commiſſioners or Truſtees aforeſaid, in Virtue or by Directions of the recited Act aforeſaid, ſhall be affected by any Act for Limitation of Actions within this Province, but that ſuch Bond or Bonds ſo taken or to be taken by the ſaid Commiſſioners or Truſtees, ſhall remain, and be good and effectual in Law, during the Continuance of the Act, entitled, *An Act for Emitting and making Current Ninety Thouſand Pounds Current Money of* Maryland, *in Bills of Credit*; any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Execution Fees, to be no greater, than ſhall ariſe on what ſhall be really due on ſuch Bonds.

VI. **And be it Enacted**, That from and after the End of this Seſſion of Aſſembly, it ſhall not be lawful for any Sheriff or Coroner, to charge to, or take from any Perſon or Perſons within this Province, any other or greater Execution Fee, than ſuch as ſhall ariſe on what ſhall be really due on ſuch Bond or Bonds: And for prevention of exorbitant Fees being taken by Attorneys practiſing in any Courts of Record within this Province, and of Clerks from multiplying Suits in the County Courts;

VII. Be

CHAP. XXIII.

VII. **Be it likewise Enacted and Declared**, That from and after the End of this Session of Assembly, it shall not be lawful for any Attorney practising within this Province, to charge or take more than one Fee, for or upon any Bond or Bonds whatsoever, although there shall or may be one or more Surety or Sureties in such Bond or Bonds, for suing or bringing the same to Judgment and Execution, or for Defence of the same Action, rating such Fee or Fees from the real Balance due and owing upon the Sum mentioned in the Condition of such Bond or Bonds.

No more than one Attorney's Fee to be charged on any Bond with Sureties. Such Fee to be rated from the Balance.

VIII. **And be it further Enacted**, *by the Authority aforesaid*, That from and after the End of this Session of Assembly, it shall not be lawful for any County Clerk within this Province, to issue or make out, any more than One Writ or Declaration on such Bond or Bonds, wherein the Principal and Surety or Sureties reside in one and the same County, but that in all such Cases, one Action only shall be founded on such Bond or Bonds; which Suit shall not abate during the Life of any one of the Defendants; and the Clerks Fees arising thereon, shall be chargeable accordingly, and not otherwise.

No more than one Writ, &c. to be issued on such Bonds, where the Defendants reside in the same County:

IX. **Provided always**, That in all Actions hereafter to be commenced in the Provincial Court on such Bond or Bonds, where the Principal and Surety or Sureties therein reside in different Counties, in such Case separate Process shall and may issue thereon; but that where any Two of the Parties to such Bond or Bonds reside in one and the same County, one Writ only shall issue to such County, including both Defendants Names therein, and all Fees arising thereon shall be chargeable as one Suit only, and not otherwise.

But separate Process may issue, where they reside in different Counties, &c.

X. **Provided always**, That nothing herein contained shall extend, or be construed to extend, to any Action or Suit where the Plaintiff shall give Directions to any Attorney or Attorneys, to commence several Actions, or where a Titling or Titlings shall be sent to the said Office or Offices, for the suing of several Writs on one and the same Bond.

Proviso, with regard to the Plaintiff's Directions, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIV.

An ACT repealing an Act of Assembly, entitled, * "An Act "to enable the Rector, Vestry-men and Church-wardens, for "the Time being, of *St. Anne*'s Parish, in *Anne-Arundel* "County, to Lease certain Lots in the City of *Annapolis*, in "Manner, and to the Uses therein mentioned:" And to enable the said Rector, Vestry-men and Church-wardens, to Lease certain Lots of Land, within the said City of *Annapolis*. *Lib.* B.L.C. *fol.* 425.

Passed 11th *July* 1747.

* 1742, *ch.* 22.

Preamble.

WHEREAS the Rector, Vestry-men and Church-wardens, of *St. Anne*'s Parish, in *Anne-Arundel* County, have by their humble Petition to this General Assembly, set forth, That by an Act of Assembly, made and passed at a Session of Assembly begun and held at the City of *Annapolis*, on the Twenty-first Day of *September* Seventeen Hundred and Forty-two, entitled, *An Act to enable the Rector, Vestry-men and Church-wardens, for the Time being, of* St. Anne's *Parish, in* Anne-Arundel *County, to Lease certain Lots in the City of* Annapolis, *in Manner, and to the Uses therein mentioned*, Power was given to Lease the Lots in the said City, Numbered respectively Fifty-nine, Sixty, Sixty-one, for Three Lives, or Twenty-one Years, as by the said Act may appear. And further they set forth, that tho' they have, since the passing the aforesaid Act, spared no Pains to find Tenants for the said Lots under the said Act, that such Endeavours have proved ineffectual by reason of the short Limitation of Time for which they could make

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ſuch Leaſes; they therefore beg Leave to bring in a Bill to repeal the aforementioned Act, and to enable them and their Succeſſors to Leaſe the ſaid Lots for the Term of Sixty-three Years, and from the End of the ſaid Term to grant new Leaſes for Twenty-one Years, or Three Lives, to the ſame Uſes and Purpoſes as in the ſaid recited Act is mentioned.

Repeal of the Act of 1742, *ch.* 22.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the before recited Act of Aſſembly, entitled, *An Act to enable the Rector, Veſtry-men and Church-wardens, for the Time being, of* St. Anne's *Pariſh, in* Anne-Arundel *County, to Leaſe certain Lots in the City of* Annapolis, *in Manner, and to the Uſes therein mentioned*, be, and is hereby abrogated, made null and void, as if it never had been made.

The Rector, Veſtry-men, &c. enabled to Leaſe out the Lots N° 59, 60, and 61, for any Term not exceeding 63 Years,

III. **And be it further Enacted**, *by the Authority aforeſaid, by and with the Advice and Conſent aforeſaid*, That from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful for the Rector, Veſtry-men and Church-wardens of the ſaid Pariſh, for the Time being, to Grant, Leaſe, Demiſe, and to Farm Let, to any Perſon or Perſons, willing and capable to take the ſame aforeſaid Lots of Land, Numbered Fifty-nine, Sixty, Sixty-one, or any, or either of them, or any Part of either of them, by Deed Indented under the Hands and Seals of the ſaid Rector, Veſtry-men and Church-wardens, for the Time being, or the major Part of them, and on ſuch Conditions, Covenants, Proviſions, Agreements, and yearly Rents, as the ſaid Rector, Veſtry-men and Church-wardens, for the Time being, or the major Part of them, and the Perſon or Perſons who ſhall, from Time to Time, be willing and deſirous to take the ſame, or any of them, or any Part of either of them, ſhall agree upon, for any Term not exceeding Sixty-three Years.

and after the Expiration thereof, to grant new Leaſes for 21 Years, or 3 Lives.

IV. **And be it further Enacted**, *by the Authority aforeſaid*, That the Rector, Veſtry-men and Church-wardens, for the Time being, have full Power and Authority, after the Expiration of the ſaid Term, to grant new Leaſes of all, or any the ſaid Premiſes, for the Term of Twenty-one Years, or Three Lives, to the Uſes, Intents and Purpoſes in this Act mentioned, and to no other; and for a ſhorter Time, as to them, or the major Part of them, for the Time being, ſhall ſeem convenient.

The yearly Rents belong to the Incumbent.

V. **And be it further Enacted and Declared**, That the yearly Rents, Revenues, and Profits of the ſaid mentioned Premiſes, and all and every Part of them, be, and are hereby declared to belong to the Incumbent of ſaid Pariſh, for the Time being, for his ſole and ſeparate Uſe and Benefit, and to no other Uſe, Intent or Purpoſe whatſoever.

No more than one Year's Rent to be demanded as a Fine for renewal.

VI. **And be it further Enacted**, That when any of the ſaid Leaſes or Demiſes ſhall expire or determine, if the Incumbent, for the Time being, or any Perſon or Perſons on his Behalf, ſhall aſk, demand, and receive, of and from any Perſon or Perſons whatſoever, either directly or indirectly, any Sum or Sums of Money, or other Goods or Effects, as a Fine or Fines for the Granting a new Leaſe or Demiſe of any the before mentioned Premiſes, or any Part of them, which in value exceeds One Year's Rent, in ſuch new Leaſe or Demiſe to be reſerved, that then, and in ſuch caſe, the new Leaſe or Demiſe ſo to be made, ſhall be void, and of none Effect, as if the ſame had never been made.

How the Rents ſhall be diſpoſed of during a Vacancy of the Pariſh,

VII. **And be it further Enacted**, *by the Authority aforeſaid*, That if a Vacancy ſhall happen in the ſaid Pariſh, for want of an Incumbent, that then, and in ſuch caſe, it ſhall and may be lawful for the Veſtry-men and Church-wardens of the ſaid Pariſh, for the Time being, or the major Part of them, to aſk, demand, and receive, of and from ſuch Perſon or Perſons, from whom the

the same shall be payable, the several Rents to be reserved as aforesaid, accruing due during a Vacancy; and the same shall be applied by such Vestry-men and Church-wardens, for the Time being, or the major Part of them, to the same Uses and Purposes as the Forty per Poll on the like Occasion, is by former Laws applied; and in case any Lease to be made of any the aforesaid Premises, shall, during such Vacancy, expire, cease, or determine, that then, and in such case, it shall and may be lawful to and for the Vestry-men and Church-wardens of the said Parish, for the Time being, to renew or lease again the same, in the same Manner, and to the same Uses and Purposes, and under the like Restrictions as are herein before set forth, concerning Lease or Leases to be made by the Incumbent, Vestry-men and Church-wardens of said Parish; any Law, Statute, Usage or Custom to the contrary notwithstanding. CHAP. XXIV. or Leases granted.

VIII. **Provided always**, That nothing in this Act contained, shall be construed to make void or invalid any Lease or Leases, or Contracts now subsisting, or heretofore entered into by the Rector, Vestry-men and Church-wardens of said Parish, with any Person or Persons; but that the same, if any such, be, and remain in full Force and Vigour, as if this Act had never been made. Former Leases to remain good.

IX. **And be it further Enacted**, *by the Authority aforesaid*, That all Lease or Leases to be made by the aforesaid Rector, Vestry-men and Church-wardens, or the major Part of them, or in case of a Vacancy, by the Vestry-men and Church-wardens, or the major Part of them, shall, and are hereby directed to be Registered by the Clerk or Register of the Parish aforesaid, within the Space of Three Months after the Date of any such Lease or Leases, at the Request of the Lessee or Lessees; and that the same Lease or Leases be entered Word for Word in the Register-Book of said Parish, that such Register receive and take as a Reward for so Registring such Lease or Leases, for each, a Fee of Five Shillings Current Money of *Maryland*, and no more: And that in case Copy of any such Lease or Leases should be required by any Person, that then the Register, for the Time being, take the like Reward, and no more. And in case of any Suit touching such Lease or Leases, then an attested Copy of such Lease or Leases, attested by such Register or Registers, shall be as good Evidence on either Side, as if the original Lease or Leases should be produced; and in cases of these Leases, no Acknowledgment shall be requisite; but Leases made for the Premises aforesaid, or any Part of them, shall be as effectual made in pursuance of this Act, as if no other Law had relation to them; any Law, Usage or Custom to the contrary notwithstanding. Such Leases to be registered by the Parish Register. The Register's Fee for registering, or for a Copy. An attested Copy, to be Evidence. No Acknowledgment of such Leases requisite.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXV.

An Act for raising a Duty of Three Half-pence Sterling per Hogshead, on all Tobacco exported out of this Province, for the Use of the Governor. *Lib.* B.L.C. *fol.* 427. *EXP.* Passed 11th *July* 1747.

To be in Force till the 29th *September* 1748. Continued by 1748, *ch.* 17, 'til the 29th *September* 1749, and then expired.

CHAP. XXVI.

An Act for continuing an Act of Assembly of this Province, entitled, [g] *An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent Cutting, Cropping and Defacing Tobacco taken on board Ships or Vessels upon Freight.* *Lib.* B.L.C. *fol.* 428. *EXP.* Ditto.

[g] 1736, *ch.* 9, hereby continued 'til the 1st *December* 1748.

CHAP. XXVII.

An Act reviving an Act entitled, [h] *An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer; and to other Purposes therein mentioned.* *Lib.* B.L.C. *fol.* 428. *EXP.* Ditto.

[h] 1744, *ch.* 4, hereby continued, and together with this Law, to be in Force 'til 25th *Dec.* 1748.

CHAP. XXVIII.

An Act for the Assessment and Payment of the Public Charge of this Province. *Lib.* B.L.C. *fol.* 430. Ditto.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 10th Day of *May*, in the 33d Year of the Dominion of the Right Honourable CHARLES, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq*; *Domini* 1748, and ended the 11th Day of *June* following, in the 34th Year of his Lordſhip's Dominion: The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

CHAP. I.

Paſſed 11th *June* 1748.

An ACT to exempt Perſons, appearing at Muſters, from Arreſts in Civil Caſes. *Lib.* B.L.C. *fol.* 434.

WHEREAS the Service of the Country, in this Time of War, may require that People be frequently Trained in the Uſe of Arms; and that in order thereto it will be requiſite for them to meet at certain Times and Places to Muſter and Exerciſe: It is therefore humbly prayed that it may be Enacted; **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Perſons who ſhall attend at Places of Muſter, in order to be Trained and Inſtructed in Military Diſcipline, ſhall be, and they are hereby declared to be, exempted and freed from all Arreſts in Civil Caſes, as well going to ſuch Place of Muſter, as at, and coming from the ſame, for and during the Space and Term of Twenty-four Hours every ſuch Time of Muſter; any Law, Statute, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

Perſons attending Muſters exempted from Civil Arreſts during 24 Hours.

Continuance.

II. This Act to continue for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1751, *ch.* 18; 1754, *ch.* 16; 1757, *ch.* 27; and 1762, *ch.* 2.

CHAP. II.

Paſſed 11th *June* 1748.

An Act impowering the Juſtices of Kent *County, to aſſeſs and levy on the Taxable Inhabitants of* Shrewſbury *Pariſh, in the ſaid County, a Sum not exceeding Eight Thouſand Pounds of Tobacco, for the* [a] *Uſes therein mentioned. Lib.* B.L.C. *fol.* 434.

[a] *Viz.* For finiſhing a Chapel, for the Convenience of the Upper Inhabitants, the Shell of which had been built at their private Expence, *&c.*

CHAP. III.

Ditto.

An Act to prohibit the raiſing of Swine in Leonard's-Town, *in* St. Mary's *County. Lib.* B.L.C. *fol.* 435.

N. B. By this Act, (1.) No Inhabitants of the ſaid Town ſhall keep or ſupport any Swine belonging to themſelves or others, unleſs within their own Incloſures. (2.) Perſons convicted before any Magiſtrate of tranſgreſſing this Act, ſhall pay Five Shillings Current Money for each Tranſgreſſion, to be levied on the Body, Goods, *&c.* of the Offender, by way of Execution as in the caſe of ſmall Debts; and applied to the Uſe of the County Free-School.

CHAP. IV.

Ditto.

An Act for aſcertaining the Bounds of King and Queen *Pariſh, in* St. Mary's *County; and for making the ſame, and* All-Faith's, *compleat Pariſhes, on the Death of the Reverend Mr.* John Urquhart, *preſent Incumbent of* All-Faith's *Pariſh, lying in* St. Mary's *and* Charles *Counties. Lib.* B.L.C. *fol.* 435.

N. B. Certain Commiſſioners having been impowered by the Act of 1744, *ch.* 14, to divide *St. Mary*'s County into Four ſeveral Pariſhes, which Power was through ſome Accident neglected to be executed, a ſupplementary Act was made in 1745, *ch.* 4, appointing Commiſſioners for the ſame

same Purpose; and for erecting that Part of *All-Faith* and *King and Queen* Parish, lying in *Charles* County, into a distinct Parish; which last Commissioners proceeded to perform the Duty in the last recited Act enjoined, and returned a fair Account of their Proceedings, which were entered among the Records of the County Court. But the Vestry-men, *&c.* of *King and Queen* Parish, having made appear to this General Assembly, that the Line which by the said Proceedings of the Commissioners was directed to run from Major *Barnes*'s Mill, as the dividing Line between the said *King and Queen* and *All-Faith*'s Parish, and appears to be North Forty-two Degrees and an Half West, to the Extremity of the County, does not leave to the said *King and Queen* Parish a proportionable Number of taxable Inhabitants of the said County, as directed by the first Act; the present Act declares, that from the Death, *&c.* of the Reverend Mr. *Urquhart*, the said Parishes of *King and Queen* and *All-Faith*, shall be divided by a Line to run from Major *Barnes*'s Mill, North Thirty-six Degrees West to the Extremity of the said County, and not by the Lines mentioned in the Proceedings of the said Commissioners, *&c.* CHAP. IV.

CHAP. V.

An Act to impower and direct the Clerk of Anne-Arundel *County Court, to enter and record among the said County Records, a Deed of Bargain and Sale from* William Mitchel, Edward Mitchel, *and* Grace *his Wife, to* Mordecai Moore *deceased. Lib.* B.L.C. *fol.* 436. *PR.* Passed 11th *June* 1748.

N. B. An Act for the same Purpose passed 1745, *ch.* 7; but they omitted Recording the Deed according to that Act, which made the present Act necessary.

CHAP. VI.

An Act impowering the Justices of Worcester *County, to levy on the Taxable Inhabitants of* All-Hallows *Parish, in the said County, a Sum not exceeding Eighty Thousand Pounds of Tobacco, for the* [b] *Uses therein mentioned. Lib.* B.L.C. *fol.* 437. Ditto.

[b] *Viz.* To build a Parish Church of Brick, for *All-Hallows* Parish, on Part of the Ground laid out for Public Use in *Snow-Hill* Town. A Supplementary Act 1756, *ch.* 7.

CHAP. VII.

An ACT to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices. *Lib.* B.L.C. *fol.* 439. Ditto.

WHEREAS at a Session of Assembly begun and held at the City of *Annapolis*, the Sixteenth Day of *May*, *Anno Domini*, Seventeen Hundred Forty and Seven, an Act was made, entitled, *An Act to remedy some Proceedings in the Court of* Charles *County, and to prevent the Removal of the Records from the Public Offices*, wherein among other Things, It is Enacted, "That for the future no Clerk or Register within this Province, (except Parish Registers) shall at any Time hereafter, take, remove, or carry out of their respective Public Offices, or cause or suffer any Person or Persons to take, remove, or carry out of their respective Public Offices; any Books, Papers, or other Records, to their own Houses, or to any other Place, upon any Pretence whatsoever, and the same so keep, or cause or suffer to be kept out of their respective Public Offices, at any Time between the Hours of Eleven at Night, and Six in the Morning, under Penalty of Ten Pounds Current Money for every Offence; one Moiety thereof to the Informer, or to him or her that shall sue for the same, the other Moiety to be applied to the Use of the School of the County wherein the Offence shall be committed; to be recovered in any Court of Record in this Province, by Action of Debt, Bill of Indictment, Plaint or Information, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed." And whereas several of the County Clerks within this Province, in behalf of themselves and others of the said County Clerks, have humbly represented to this present General Assembly, that by the above recited Act, they and all other the County Clerks aforesaid, are laid under such Hardships that it is not practicable for them to execute that Duty, inasmuch as a great Part of their Business must of necessity be done in the Winter Season, and that their Dwellings are at some Distance from their several and respective Court-Houses; this present General Assembly having taken the said Representation into Consideration, and being well satisfied of the Truth of the Facts mentioned therein, are willing and desirous to remove the Hardships complained of: Preamble. Recital of the Act of 1747, *ch.* 3, §. 10.

II. Be

CHAP. VII.

County Clerks may remove out of the Office, the last recording Book for Judgments, and the four last Court Dockets and Papers.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the Tenth Day of *July* next, it shall and may be lawful, to and for, the several and respective County Clerks within this Province, to take, remove, or carry out of their respective Public Offices, the last recording Book for Judgments by them kept in their several and respective Public Offices, together with the four last Courts-Dockets and Papers, next preceding the Time of such taking out, and the same to keep at their own Houses, or any other Place more suitable to their Conveniency within the County, for and during such Time as to them, or any of them, shall seem necessary, without being liable to incur the Penalty in the above recited Act mentioned; any Thing therein contained to the contrary thereof, in any wise notwithstanding.

Their Attendance at the Court-houses.

III. **And be it further Enacted**, *by the Authority aforesaid*, That the several and respective County Clerks within this Province, shall be, and they are hereby obliged to attend at their several and respective County Court-houses one or more Days in every Week, to be appointed and published by the several County Courts next after the Commencement of this Act, and to remain there, either by themselves, or Deputy, from Nine of the Clock in the Forenoon, until Sun-set, and then and there give all possible Dispatch to the necessary Business of such Person or Persons, as shall apply to them for the same. And that every County Clerk who shall neglect, or delay, to perform his Duty herein, shall forfeit and pay the Sum of Six Hundred Pounds of Tobacco; one Half whereof to the Use of the County-School, and the other Half to him, her, or them, that shall sue for the same; to be recovered before a single Magistrate of the County where such Forfeiture shall happen, as in case of small Debts.

Penalty for Neglect therein.

Shall be chargeable with Misfeazance.

IV. **Provided always, and be it Enacted**, That nothing in this Act, shall extend, or be construed to extend, to prevent any Clerk from being chargeable for any Misfeazance or Neglect in his Office, in the same Manner as if this Act had never been made.

Continuance.

V. This Act to continue for Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1751, *ch.* 8; 1754, *ch.* 5; 1757, *ch.* 22; and 1762, *ch.* 13.

CHAP. VIII.

Passed 11th *June* 1748.

An Act impowering the Justices of Queen-Anne's *County to levy on the Taxable Persons of* Christ-Church *Parish, in the said County, the Sum of Thirty-seven Thousand One Hundred Pounds of Tobacco, for repairing and enlarging their Parish Church. Lib.* B.L.C. *fol.* 440.

CHAP. IX.

Ditto. *An Act relating to that Part of* King and Queen *Parish, which lies in* Charles *County, and was lately severed by the Death of the Reverend Mr.* John Donaldson. *Lib.* B.L.C. *fol.* 441.

CHAP. X.

Ditto. *An Act to remedy some Defects in an Indenture of Bargain and Sale, made and executed by* Charles Carroll, *of* Annapolis, *Surgeon, and* John Bradford, *of* Prince George's *County, Gent. of the one Part; and* Daniel Carroll, *of* Marlborough, *in* Prince George's *County, Merchant, of the other Part. Lib.* B.L.C. *fol.* 442. *PR.*

CHAP. XI.

Ditto. *An Act continuing an Act, entitled,* [c] *An Act for raising Three-pence Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition; and for an immediate Supply of Arms for the Defence of this Province. Lib.* B.L.C. *fol.* 444. *EXP.*

[c] 1747, *ch.* 19, hereby continued till the 29th *September* 1749.

CHAP.

CHAP. XII.

An Act granting a further Time for Surveying and Laying out a-new, a Town in Worceſter *County, called* New-Port *Town; and confirming the Privileges granted by the former Act to the ſaid Town. Lib.* B.L.C. *fol.* 445. Paſſed 11th *June* 1748.

N. B. The Time limited in the Act of 1745, *ch.* 3, having elapſed before any Thing could be done in purſuance thereof; the preſent Act inveſted certain Commiſſioners with the ſame Powers, &c. and confirms the Privileges, &c. to the Inhabitants, or Owners of Lots in the ſaid Town, as was given by the former Act: And limits the Powers, &c. granted herein to the 1st *May* 1749.

CHAP. XIII.

An Act for dividing St. Paul's *Pariſh, in* Queen-Anne's *and* Talbot *Counties; and for erecting a new Pariſh thereout, by the Name of* St. John's *Pariſh. Lib.* B.L.C. *fol.* 446. Ditto.

N. B. By this Act, (1.) From the End of this preſent Seſſion, all that Part of *St. Paul's* Pariſh, in *Queen-Anne's* and *Talbot* Counties, lying within the Lines and Bounds herein after mentioned, *viz.* Beginning at the Head of the *Three-Bridges* Branch in *Queen-Anne's* County, and running from thence with a ſtrait Line to a ſmall Bridge in the Road from *Old-Wye-Mill* to *Tuckahoe* Bridge, near the North Eaſt Corner of *Ferdinando Callaghan's* Plantation; thence with the ſaid Road to *Tuckahoe* Bridge; thence down the Eaſt Side of *Tuckahoe* Creek, binding therewith to *Choptank* River, and then binding therewith to the Diviſion Line between *St. Paul's* and *St. Luke's* Pariſhes; and then with the ſeveral Lines and Bounds of *St. Paul's* Pariſh aforeſaid, to the Head of the *Three-Bridges* Branch aforeſaid, ſhall be taken from *St. Paul's* Pariſh aforeſaid, and erected into a new Pariſh, by the Name of *St. John's* Pariſh, &c. (2.) The Inhabitants of the ſaid Pariſh to have and enjoy all the Benefits, Privileges, Powers, &c. as the Inhabitants of any other Pariſh in this Province, now or hereafter may have, &c.

CHAP. XIV.

An Act for taking off Part of Prince-George's *County, and adding it to* Charles *County. Lib.* B.L.C. *fol.* 447. Ditto.

N. B. By this Act, (1.) From and after the 10th *December* 1748, the Land, lying at preſent in *Prince-George's* County, and contained within the Bounds following, *viz.* By a Line drawn from *Mattawoman* Run, in the Road commonly called the Rolling Road, that leads from the late Dwelling Plantation of Mr. *Edward Neale*, through the lower Part of Mr. *Peter Dent's* Dwelling Plantation, until it ſtrikes *Patowmack* River, at or near the bounded Tree of a Tract of Land whereon *John Beall* junior, now lives, (ſtanding on the Bank of the aforeſaid River, at the Lower End of the aforeſaid *Beall's* Plantation) then with the River to the Mouth of *Mattawoman* Creek, ſhall be, and for ever hereafter, deemed as a Part of *Charles* County. (2.) The Inhabitants thereon now or hereafter to be ſettled, are hereby declared Inhabitants of *Charles* County, &c.

CHAP. XV.

An Act to divide Prince-George's *County, and to erect a new One by the Name of* Frederick *County. Lib.* B.L.C. *fol.* 448. Ditto.

N. B. By this Act, (1.) From and after the 10th *December* 1748, a new County is erected out of *Prince-George's* County, the Bounds whereof to be as followeth, *viz.* Beginning at the lower Side of the Mouth of *Rock* Creek, and thence by a ſtrait Line joining to the Eaſt Side of *Seth Hyatt's* Plantation, to *Patuxent* River, the ſaid Line to be run by the Surveyor of *Prince-George's* County, and Trees marked, &c. then with *Patuxent* River, to the Lines of *Baltimore* County; and with the ſaid County to the Extent of the Province: And all the Land lying to the Weſtward and Southward of the ſaid Lines to be included within the new County aforeſaid, which ſhall be called *Frederick* County; and the Inhabitants thereof to have and enjoy equal Privileges with the other Counties of this Province, in ſending Delegates to the Aſſembly, having County Courts, Sheriffs, Juſtices, &c. And the Court-Houſe and Priſon to be Built in or adjoining to *Frederick-Town*. (2.) Certain Commiſſioners impowered to purchaſe Three Acres of Land, whereon to build a Court-Houſe and Priſon for *Frederick* County aforeſaid, and cauſe the ſame to be ſurveyed and laid out, &c. And the Payment, &c. of the Purchaſe Money to the Owner of the Land, ſhall inveſt the Juſtices of *Frederick* County and their Succeſſors with an Eſtate in Fee-ſimple, for the Uſe of the County aforeſaid for ever. The Survey and other Proceedings of the ſaid Commiſſioners to be returned under their Hands and Seals, and thoſe of the Sheriff and Surveyor, to the next *Prince-George's* County Court, there to be Recorded among the Land Records of that County, &c. (3.) *Frederick* County Court, ſhall begin and be held upon the third Tueſday of the Months of *March*, *June*, *Auguſt* and *November* Yearly, and the Aſſizes therein, to begin and be held upon the Mondays next after the Aſſizes in *Prince-George's* County. (4.) The aforeſaid Three Acres to be laid out in an exact Square, and ſtaked, and well bounded: The Court-Houſe to be built in the Center of the Square, and the County Priſon on the South ſide of the ſame Square, within Ten Feet of the Southernmoſt Out-Line of the Three Acres aforeſaid.

CHAP. XVI.

An Act to enable the Juſtices of Prince-George's *County, to ſecure Three Acres of Land lying in* King George's *Pariſh in the ſaid County, whereon a Brick Chapel of Eaſe is already built, for the Uſe of the Pariſhioners. Lib.* B.L.C. *fol.* 450. Ditto.

N. B. The Act of 1744, *ch.* 26, impowered the Veſtry, &c. of the ſaid Pariſh, to purchaſe Three Acres of Land to build a Chapel of Eaſe, &c. thereon; in purſuance whereof, a Chapel

CHAP. XVI.

was built on a Tract of Land called *Egerton's* Manor, near *Piſcattaway:* And Doubts having ariſen relating to the Title of the Land, *&c.* the preſent Act, (1.) Impowers the Juſtices of *Prince-George's* County, to cauſe the ſaid Three Acres to be laid out by the County Surveyor, ſo as the ſaid Chapel may ſtand in the Center thereof, and to be ſecurely Butted and Bounded; and to cauſe the ſame Land to be valued by a Jury according to its Worth, before Building the Chapel aforeſaid, *&c.* The Return of the Jury under their Hands and Seals, and the Hand and Seal of the Sheriff, together with the Surveyor's Certificate of Survey, to be entered among the County Records. (2.) The Veſtry to pay the Surveyor, Sheriff, Jury, *&c.* and alſo to pay the Owner of the Land the Value ſet thereon by the Jury. (3.) The ſaid Survey, Valuation, and Recording, and Payment for the Land as aforeſaid, ſhall veſt an abſolute Eſtate therein, for the Uſe of the Pariſh, in the Veſtry, *&c.* and their Succeſſors for ever. (4.) The Surveyor's Certificate to be entered in the Pariſh Regiſter Book, and in caſe of Fire, or Accident to the County Records, a Copy of the Courſes of the ſaid Three Acres from the ſaid Regiſter Book ſhall be deemed the Courſes of the ſaid Land.

CHAP. XVII.

Paſſed 11th *June* 1748.

An Act continuing an Act, entitled, [a] *An Act for raiſing a Duty of Three Half Pence Sterling per Hogshead, on all Tobacco exported out of this Province, for the Uſe of the Governor. Lib.* B.L.C. *fol.* 451. *EXP.*

[a] 1747, *ch.* 25; hereby continued to the 29th *September* 1749.

CHAP. XVIII.

Ditto.

An Act impowering the Juſtices of Calvert *County Court, to aſſeſs and levy on the Taxable Inhabitants of the ſaid County, a Sum not exceeding One Thouſand Pounds Current Money; and to impower certain Commiſſioners therein named, to appropriate the ſame towards Building, Finiſhing and Compleating a new County Court Houſe, for the ſaid County. Lib.* B.L.C. *fol.* 451.

N. B. By this Act the Commiſſioners therein appointed, were impowered to receive the Sum of 500*l.* from the Truſtees of the Loan Office, appropriated by the Paper Money Act of 1733, *ch.* 6, for building a convenient Goal in each County.

CHAP. XIX.

Ditto.

An Additional Supplementary ACT to the Act, entitled, * An Act relating to Servants and Slaves. *Lib.* B.L.C. *fol.* 453.

* 1715, *ch.* 24.

Preamble.

WHEREAS by an Act of Aſſembly of this Province, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April, Anno Domini*, One Thouſand Seven Hundred and Fifteen, entitled, *An Act relating to Servants and Slaves*, it is Enacted, That "any Perſon or Perſons whatſoever, that ſhall, after the "Publication of the ſaid Act, wittingly or willingly entertain any Servant "or Slave unlawfully abſenting him, her, or themſelves, from their Maſter, "Miſtreſs, Dame, or Overſeer, ſhall be fined Five Hundred Pounds of To-"bacco, for every Night, or Twenty-four Hours, that ſuch Perſon or Perſons "ſhall give ſuch Entertainment." And whereas it is repreſented to this General Aſſembly, that many crafty and ill-diſpoſed Perſons, knowing that they are not liable to the Payment of the ſaid Fine, unleſs they entertain ſuch Servant or Slave one whole Night, or Twenty-four Hours without Intermiſſion, do, by frequently entertaining the Servants and Slaves of the good People of this Province at dead Times of Night, for ſeveral Hours together, entice them ſecretly to make away with, and embezzle, the Goods of their Maſters or Owners, by carrying them to ſuch Entertainments, and to commit many grievous Diſorders and Irregularities againſt the Peace of his Lordſhip, and his good Rule and Government, and to the great Damage and Diſquiet of many of his Majeſty's liege Subjects within this Province: For preventing which Evils for the future;

Perſons harbouring Slaves or Servants, to forfeit 100lb Tobacco per Hour.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly and the Authority of the ſame,* That if any Perſon or Perſons, after the End of this Seſſion of Aſſembly, ſhall wittingly or willingly entertain any Servant or Servants, Slave or Slaves, unlawfully abſenting him, her, or themſelves, from his, her, or their Maſter, Owner or Overſeer, or permit or ſuffer them to be about their Houſes or Plantations, during the ſpace of one Hour, or longer, ſuch Perſon or Perſons ſo entertaining ſuch Servant or Servants,

vants, Slave or Slaves, or permitting or ſuffering them to be about their Houſes or Plantations, ſhall forfeit and pay at the Rate of One Hundred Pounds of Tobacco for every Hour each Servant or Slave ſhall be by him, her, or them, ſo entertained or permitted or ſuffered to be about his, her, or their Houſe or Plantation as aforeſaid; to be recovered in a ſummary Way, before a ſingle Magiſtrate, with Coſts, if the Penalty does not exceed Six Hundred Pounds of Tobacco; and if it does exceed Six Hundred Pounds of Tobacco, then to be recovered by Action of Debt, Bill of Indictment, Plaint, or Information, in the County Court where the Offence ſhall be committed, wherein no Eſſoin, Protection, Wager of Law, or above one Imparlance, ſhall be allowed; the one Half whereof, ſhall be applied to the Uſe of the Public School of the County wherein ſuch Forfeiture ſhall happen, and the other Half to the Party grieved, provided he or ſhe ſhall Proſecute for the ſame within three Months next after the Offence committed; otherwiſe to the Informer, or him or them who ſhall ſue for the ſame; Provided ſuch Suit be commenced within Twelve Months after ſuch Offence committed. CHAP. XIX. How to be recovered. Fines of Proſecution, &c. limited.

III. **And be it further Enacted**, That if it ſhall appear to any Magiſtrate before whom any Conviction for Breach of this Act ſhall be had, that the Offender is unable to pay or give good Security for the Penalty aforeſaid, it ſhall and may be lawful for ſuch Magiſtrate, to puniſh ſuch Offender, by Whipping on the bare Back with ſuch Number of Stripes, not exceeding Thirty-nine for any one Offence, as to him ſhall ſeem meet, and to require Security for the good Behaviour of ſuch Offender, for and during the Term of Six Months then next following. In default of Payment, Offenders to be puniſhed by Whipping, and give Security for good Behaviour.

IV. **And be it further Enacted**, That if any Servant or Slave, ſhall wittingly or willingly harbour or entertain any other Servant or Servants, Slave or Slaves, unlawfully abſent from his, her, or their Maſter, Owner, or Overſeer, for and during the Space of one Hour, or longer, it ſhall and may be lawful for any Magiſtrate, and he is hereby required, upon Complaint to him made, immediately to iſſue his Warrant againſt ſuch Servant or Slave ſo Harbouring or Entertaining as aforeſaid, and upon ſatisfactory Proof of ſuch Harbouring or Entertaining, to puniſh the Offender or Offenders, by Whipping with ſuch Number of Stripes, on the bare Back, as to him ſhall ſeem proper, not exceeding Thirty-nine for any One Offence. Servants or Slaves harbouring others, to be puniſhed by Whipping.

V. **And be it further Enacted**, That the ſeveral Sheriffs of this Province ſhall Read this Act on the Wedneſday in each reſpective County Court, in full Court, having firſt given Public Notice of ſuch Reading, by Proclamation at the ſeveral Ordinaries, or Houſes of Entertainment, near to the Court-houſe, on Pain of forfeiting Five Hundred Pounds of Tobacco for every Omiſſion or Neglect, to be recovered and applied as aforeſaid. Penalty on Sheriffs neglecting to read this Act publicly, every Court.

VI. This Act to continue for Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of Three Years. Continuance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1751, *ch.* 17; 1754, *ch.* 9; 1757, *ch.* 24, and 1762, *ch.* 9.

CHAP. XX.

An Additional and Explanatory ACT, to the Act, entitled, * An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco to defray the neceſſary Charges of their Counties and Pariſhes. *Lib.* B.L.C. *fol.* 454. Paſſed 11th *June* 1748. * 1704, *ch.* 34.

WHEREAS by an Act of Aſſembly of this Province, entitled, *An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco to defray the neceſſary Charges of their Counties and Pariſhes*, Preamble.

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riſhes, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Four, the ſeveral and reſpective Commiſſioners of the ſeveral and reſpective County Courts within this Province, at their ſeveral and reſpective County Courts, to be held for their ſaid Counties, upon Examination had before them of the Public Charges of their ſeveral and reſpective Counties, and Allowances by them made of the ſame, are impowered to levy and raiſe Tobacco for Payment and Satisfaction of the ſeveral and reſpective County Charges, and the Sheriff's Salary for Collection thereof, by an equal Aſſeſſment of the Taxable Perſons of the ſaid ſeveral Counties.

The Words *Public Charges* in the original Act explained.

II. **It is hereby Declared and Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the ſaid County Commiſſioners, or Magiſtrates, nor any of them, ſhall conſtrue or explain the Words, Public Charges of their reſpective Counties, mentioned in the ſaid recited Act, which they are impowered to levy and raiſe Tobacco for, to extend to any other Purpoſes, than the ordinary, uſual and neceſſary Charges, annually ariſing in their ſaid ſeveral and reſpective Counties.

County Courts ſhall not levy at one Time more than

10000 lb Tobacco for repairing a Court-houſe;
6000 lb Tobacco for repairing a Priſon;
8000 lb Tobacco for repairing a Bridge;
20000 lb Tobacco for building a new Bridge;

III. **And whereas** it may frequently be neceſſary to make Repairs to Court-houſes, Priſons and Bridges, within the ſeveral and reſpective Counties of this Province, as well as to erect and build new and convenient Bridges for the common Benefit and Advantage of the Inhabitants; **Be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That it ſhall and may be lawful for the Juſtices of the ſaid ſeveral and reſpective Counties, to levy and raiſe upon the Taxable Inhabitants within their ſaid ſeveral Counties, for the making, compleating and finiſhing the neceſſary ſmall Repairs to Court-houſes, Priſons and Bridges, and for the erecting and building new and convenient Bridges, when and as often as Occaſion ſhall require, any Quantity or Quantities of Tobacco, not exceeding the Sum of Ten Thouſand Pounds of Tobacco, at any one Time, for the full and compleat Repairing of any one County Court-houſe; and not exceeding the Sum of Six Thouſand Pounds of Tobacco, at any one Time, for the full and neceſſary Repairs for any one County Priſon; and not exceeding the Sum of Eight Thouſand Pounds of Tobacco, at any one Time, for the full and compleat Repairing of any one Bridge; and not exceeding the Sum of Twenty Thouſand Pounds of Tobacco, for the erecting and building of any one new Bridge, in any one County whatſoever: But that in all and every caſe where any larger Sum or Sums of Tobacco, than what are herein before limited and expreſſed, ſhall or may be adjudged neceſſary and requiſite by the ſaid ſeveral and reſpective County Juſtices, to and for any the Uſes and Purpoſes aforeſaid, it ſhall not be lawful for the ſaid ſeveral and reſpective County Juſtices, nor any of them, to levy or raiſe any ſuch larger Sum or Sums of Tobacco, ſo adjudged neceſſary or requiſite as aforeſaid, upon the Taxable Inhabitants of their ſaid ſeveral Counties, without having firſt had and obtained Leave or Licence for their ſo doing from the General Aſſembly of this Province, for the Time being.

without Leave of the Aſſembly.

Tobacco ſo levied may be diſcharged in Current Money.

IV. **Provided always,** That it ſhall and may be lawful for the ſeveral and reſpective Inhabitants to pay and diſcharge the ſaid ſeveral and reſpective Sums of Tobacco, ſo to be levied and raiſed to and for the Uſes aforeſaid, in Current Money, in the ſame Manner as they are enabled to pay and diſcharge the Public or County Levy.

Continuation.

V. This Act to continue for Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1751, *ch.* 13; 1754, *ch.* 10; 1757, *ch.* 18; and 1762, *ch.* 6.

CHAP.

CHAP. XXI.

An Act enabling the Commissioners of Charles-Town, *in* Cæcil *County, to build an Inspection-house in the said Town. Lib.* B.L.C. *fol.* 455. Passed 11th *June* 1748.

N. B. By this Act, the Commissioners of *Charles-Town* were impowered to draw out of the Loan Office, a Sum in Bills of Credit, not exceeding 60*l.* for the Building an Inspection-house only, on the Public Ground at *Charles-Town*, and convenient to the Wharf. The said Commissioners of *Charles-Town* to receive the Rent appointed to be paid by the Inspection Law of 1747; and, after repaying the Sum taken out of the Loan Office as aforesaid, then the Rents and Profits arising from the Inspection-house, to be paid to the said Commissioners, and be by them applied to the Benefit of the Public of the said Town, and to no other Use, *&c.*

CHAP. XXII.

An Act to enable the Justices of Prince George's *County, to raise Fifty-four Thousand Pounds of Tobacco, for the Repairing and Finishing their Court-house at* Marlborough; *and other Purposes therein mentioned. Lib.* B.L.C. *fol.* 457. Ditto.

CHAP. XXIII.

An Act to enable Mrs. Sarah Hollyday, *Executrix of* James Hollyday, *Esq; deceased, to pay the Money therein mentioned. Lib.* B.L.C. *fol.* 458. *PR.* Ditto.

CHAP. XXIV.

An Act for altering and establishing certain Ware-houses; and for other Purposes therein mentioned. Lib. B.L.C. *fol.* 458. *EXP.* Ditto.

To be in Force 'til the First *December* 1753.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 24th Day of *May*, in the 34th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 24th Day of *June* following, in the 35th Year of his Lordship's Dominion, *Annoq; Domini* 1749: The following Laws were Enacted. 1749.

SAMUEL OGLE, Esq; Governor.

CHAP. I.

An Act enlarging the Time for receiving and paying the Public and County Levies, Parochial Charges, Clergy's Allowances, Attorneys and Officers Fees, for this present Year. Lib. B.L.C. *fol.* 465. *EXP.* Passed 24th *June* 1749.

CHAP. II.

An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court; to limit Costs with respect to Witnesses, and for settling their Allowance as to itinerant Charges. Lib. B.L.C. *fol.* 466. *EXP.* Ditto.

To be in Force 3 Years, *&c.* Farther continued by 1752, *ch.* 11; and 1755, *ch.* 9. Expired 24th *December* 1758.

CHAP. III.

An Act repealing Part of an Act, entitled, [a] *An Act to encourage the Destroying of Wolves, Crows and Squirrels. Lib.* B.L.C. *fol.* 467. *EXP.* Ditto.

[a] 1728, *ch.* 7. The present Act to be in Force 3 Years, *&c.*

CHAP. IV.

An Act to enable the Justices of Baltimore *County Court, for the Time being, to levy on the Taxable Inhabitants of the said County, a* [b] *Quantity of Tobacco, for the Uses therein mentioned. Lib.* B.L.C. *fol.* 468. Ditto.

[b] *Viz.* 40,000 lb Tobacco, in the Years 1749 and 1750, for Repairing and Enlarging their Court-house.

CHAP.

CHAP. V.

Paſſed 24th *June* 1749. *An Act impowering the Juſtices of* Calvert *County Court, to aſſeſs and levy on the Taxable Inhabitants of the ſaid County, a Sum not exceeding One Thouſand Pounds Current Money, and to impower certain Commiſſioners therein named to appropriate the ſame towards Building, Finiſhing and Compleating a new County Court-houſe, for the ſaid County. Lib.* B.L.C. *fol.* 468.

N. B. By this Act the Commiſſioners of the Loan Office were required to pay the 500 *l.* appropriated by the Act of 1733, *ch.* 6, for Building convenient Goals in each County, into the Hands of the Commiſſioners appointed by this Act.

CHAP. VI.

Ditto. *An Act impowering the Juſtices of* Baltimore *County Court, to aſſeſs and levy a Sum of Current Money; and for other Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 470.

N. B. By this Act, (1.) Certain Perſons were impowered to ſell, in Fee-ſimple, the Glebe-Land belonging to *St. Paul*'s Pariſh, in *Baltimore* County, and to lay out the Money ariſing from ſuch Sale, in the Purchaſe of ſo much Land, in Fee-ſimple, within *Baltimore-Town*, as the ſaid Money ſhould extend unto; and the Deeds between the reſpective Vendor, of the one Part, and the Rector, Veſtry-men and Church-wardens of the ſaid Pariſh, of the other Part, to be ſo worded as to operate and veſt the ſaid laſt mentioned Land, in like Manner, and to the like Uſes, *&c.* as the aforeſaid Glebe-Land hath been. (2.) The Juſtices at *November* Court 1749, to aſſeſs, *&c.* on the Taxable Inhabitants of the ſaid Pariſh 250 *l.* to be paid by the Sheriff to the Order of the Perſons above appointed, who were by this Act impowered to purchaſe, in Fee, in the Name of the Rector, Veſtry-men and Church-wardens of the ſaid Pariſh, One Acre of Land, at or near the Houſe commonly called the Red Houſe, in *Baltimore* County, and thereon to build a Chapel of Eaſe to the aforeſaid Pariſh, *&c.*

CHAP. VII.

Ditto. *An Act to take off the Allowance for Killing Wolves in* Frederick *County. Lib.* B.L.C. *fol.* 472. *EXP.*

To be in Force for 3 Years, *&c.*

CHAP. VIII.

Ditto. *An Act for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 472. *EXP.*

To be in Force till 25th *December* 1750. Continued by 1750, *ch.* 20; and 1752, *ch.* 12; and expired 25th *December* 1753.

CHAP. IX.

Ditto. An ACT for the more effectual Deſtroying Squirrels and Crows in the Counties of *Kent*, *Queen-Anne*'s and *Talbot*; and for Deſtroying Red Foxes in the ſaid Counties. *Lib.* B.L.C. *fol.* 474.

Preamble. WHEREAS it is repreſented to this preſent General Aſſembly, That in the Counties of *Kent*, *Queen-Anne*'s and *Talbot*, the Laws heretofore made for the Deſtroying of Squirrels and Crows have been found ineffectual; and further, that Red Foxes have been found to be greatly injurious to the Inhabitants of thoſe ſeveral and reſpective Counties; wherefore it is prayed that it may be Enacted;

Allowance to Perſons bringing more Scalps than required by 1728, *ch.* 7. II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this preſent Seſſion of Aſſembly, every Perſon in the ſaid Counties of *Kent*, *Queen-Anne*'s and *Talbot*, who ſhall bring to any Juſtice of the Peace of the aforeſaid Counties, the Heads or Scalps of any more Squirrels or Crows, than the Three required to be brought in for each Taxable, by an Act, entitled, *An Act to encourage the Deſtroying of Wolves, Crows and Squirrels,* ſhall for every ſuch Head or Scalp, be allowed in the Levy of any of the aforeſaid Counties where ſuch Squirrel or Crow ſhall be killed, the Quantity of Two Pounds of Tobacco; and the Juſtice of the Peace before whom ſuch Scalp or Head ſhall be brought, is hereby required to give the Perſons bringing the ſame, a Certificate thereof, and cauſe the ſaid Heads and Scalps to be burnt, or otherwiſe deſtroyed.

III And

CHAP. IX.

III. And be it further Enacted, That every Person who shall kill or destroy any Red Fox in any of the aforesaid Counties of *Kent*, *Queen-Anne's*, or *Talbot*, and shall bring the Head of the same to any Justice of the Peace for the aforesaid Counties, who is hereby required to burn, or otherwise destroy the same, and give the Person so bringing such Fox's Head, a Certificate thereof, shall be allowed for every such Head, in the County Levy, the Quantity of Twenty Pounds of Tobacco. Allowance for every Head of a Red Fox:

IV. Provided always, That no Person whatsoever, other than those who shall be Residents in the aforesaid Counties of *Kent*, *Queen-Anne's* and *Talbot*, shall be entitled to such Reward as is herein before directed; nor any such Residents, until he, she, or they, shall first make Oath before a Justice of the Peace, or Affirmation, (if a Quaker,) or make appear by the Oath, or Affirmation (if a Quaker) of some other credible Person, that such Crow, Squirrel, or Fox was, to his, her, or their Knowledge, or the Knowledge of such other credible Person, actually killed after the Commencement of this Act, and in the County where the Allowance is prayed. But such Allowance not to be made to any but Residents in the County, before Oath made, *&c.*

V. Provided always, That the said several Sums herein before mentioned to be allowed for every such Squirrel's Scalp, Crow or Fox's Head, shall and may be collected, paid and discharged, by the Inhabitants of the said Counties of *Kent*, *Queen-Anne's* and *Talbot*, respectively, as other Public and County Levies are collected, paid and discharged. May be discharged as other Levies.

VI. This Act to continue for Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Continuance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1752, *ch.* 5; 1755, *ch.* 13; 1758, *ch.* 10; and 1762, *ch.* 18.

CHAP. X.

An Act to impower the Justices of Queen-Anne's *County Court, to sell the Materials of the old Prison of that County, and the Produce thereof to apply as therein directed.* *Lib.* B.L.C. *fol.* 475. Passed 24th *June* 1749.

N. B. This Act not being carried into Execution, a Supplementary Act was made 1750, *ch.* 16.

CHAP. XI.

An Act for the Relief of Persons accused and acquitted; and of Witnesses against Persons accused. *Lib.* B.L.C. *fol.* 476. *EXP.* Ditto.

To be in Force 3 Years, *&c.*

CHAP. XII.

An ACT for taking off Corporal Punishment inflicted on Females having base-born Children; and other Purposes therein mentioned. *Lib.* B.L.C. *fol.* 477. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this present Session of Assembly, every Free Woman who shall commit Fornication, and shall be thereof convict in any County Court of this Province, either by Confession or Verdict, shall be fined by the Justices of the said Court, in the Sum of Thirty Shillings Current Money of this Province, for her said Offence. And in case such Offender shall refuse or neglect to discover to the said Court, upon Oath, the Person with whom she committed such Offence, that then she shall be fined by the said Court, in a summary Way, the further Sum of Thirty Shillings like Money, as a Fine for such Person, over and above the aforesaid Fine for her own Offence as aforesaid, together with all Charges of such Prosecution: And in case she shall make such Discovery as aforesaid, that then the said County Court shall be, and they are hereby authorized, directed, and required, to proceed against such Any Free-Woman convict of Fornication, shall pay 30*s.* Fine, and 30*s.* more in case she refuse to discover the Person guilty with her, upon Oath.

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such Person, in like Manner as in other Criminal Cases; and if he shall be convict of such Offence, by Confession or Verdict, then he shall, by the said County Court, be fined in the Sum of Thirty Shillings Current Money, for the said Offence, together with all Charges of such Prosecution.

In case of a Bastard, she shall on such Refusal give Security for its Maintainance;

if she make a Discovery, the Father shall give Security.

II. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That in case a Birth shall proceed from such Fornication, and such Woman shall refuse or neglect to discover as aforesaid, then she shall, over and above the Fines aforesaid, be ordered and adjudged by the County Court, to give good Security to keep the Child so born, from becoming any Charge to such County; or for want of such Security, she shall be and stand committed to the Sheriff's Custody. And in case such Discovery as aforesaid, shall be made in Manner aforesaid, then the Person with whom she committed such Offence, shall, over and above the Fine aforesaid, be ordered and adjudged by the County Court, to give good Security to keep the Child so born, from becoming any Charge to such County; and for want of such Security, he shall be and stand committed to the Sheriff's Custody, and such Woman shall go thereof discharged.

Delinquents unable to pay, shall give Security, or stand committed.

III. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That if such Woman guilty of Fornication as aforesaid, will not discover as aforesaid, and shall be unable, or unwilling, to pay her Fine and Charges aforesaid, or if upon such Discovery as aforesaid, such Person shall be unwilling, or unable, to pay his Fine and the Charges as aforesaid, then and in every such case, such Man or Woman respectively, as the case shall happen, shall be obliged to give good Security to the Right Honourable the Lord Proprietary, for the Payment of such Fines and Charges by a certain Day, not less than Twelve Months, from the Time of taking such Security; and for Default of such Security, to be and stand committed to the Custody of the Sheriff.

Application of the Fines.

IV. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That every such Fine as aforesaid, shall be, and is hereby declared and directed to be applied towards the defraying the Public Charge of every such County respectively.

Recital of the Act of 1715, *ch.* 27, §. 6.

V. **And whereas** by an Act, entitled, *An Act for the punishing the Offences of Adultery and Fornication*, it is Enacted, "That it shall and may be lawful for the Minister, Vestry, and Church-wardens of any Parish where there is a Minister, and for the Vestry and Church-wardens where there is no Minister, before any Admonition by them, or any of them given, in pursuance of the Directions aforementioned, to give Notice, or cause Notice to be given, to any Person or Persons by them, or the major Part of them, suspected of Lewdness or Incontinency, and being or residing within their respective Parishes, to appear before them, or the major Part of them, at such Time and Place as they, or the major Part of them, shall appoint, and on the Appearance of such Person or Persons to acquaint them of the Suspicion that is had of them, and to hear what reasonable Excuse such Persons shall offer, why they ought not to be proceeded against according to Law as Fornicators or Adulterers, as the case shall happen: And in case the Person or Persons having such Notice given them, shall not appear according to such Notice, on Affidavit of such Notice given, or appearing do not excuse or acquit themselves of the Grounds of such Suspicion, in such Manner as such Minister, Vestry and Church-wardens as aforesaid, shall approve, that then it shall and may be lawful for such Minister, Vestry and Church-wardens, or the major Part of them as aforesaid, and they are hereby required to admonish such Person or Persons, according to the Directions aforementioned; which Admonition, together with Proof of the Cohabitation of the Parties so admonished, or their frequenting the Com-

" pany

" pany of each other, contrary to, and after such Admonition given, shall " be sufficient Evidence in any Court of this Province, to convict the Persons " so cohabiting or frequenting each others Company after Admonition given " as aforesaid, of Fornication or Adultery, as the case shall happen, and sub- " ject them to the Penalties aforementioned respectively." **And be it Enacted**, That if any Person or Persons do not appear, according to such Notice, on Affidavit of such Notice being given, it shall be taken for Proof of a Cohabitation of the Parties, to whom such Notice shall be given, of their Lewdness or Incontinency, and a Confession of their Guilt; and shall be sufficient Evidence in any Court in this Province, to convict the Person or Persons, so cohabiting or frequenting each others Company, in the same Manner, to all Intents and Purposes, as if such Person or Persons did appear before the Vestry and Church-wardens as aforesaid, and were by them actually admonished.

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Persons not appearing on such Notice, to stand convict.

VI. **And be it further Enacted**, *by the Authority, Advice and Consent aforesaid*, That so much of an Act of Assembly of this Province, made at a Session of Assembly begun and held at the City of *Annapolis*, on the Twenty-sixth Day of *April* in the Year Seventeen Hundred and Fifteen, entitled, *An Act for punishing the Offences of Adultery and Fornication*, as relates to Corporal Punishment for Fornication, be, and is hereby Repealed.

So much of 1715, *ch.* 27, as relates to Corporal Punishment, Repealed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XIII.

An Act for further altering and establishing certain Ware-houses; and for other Purposes therein mentioned. Lib. B.L.C. *fol.* 479. *EXP.* Passed 24th *June* 1749.

To continue in Force during the Inspection Law of 1747, *ch.* 1.

CHAP. XIV.

An Act for the cutting off the Entail of Part of a Tract of Land, called Holland's Choice, *lying in* Anne-Arundel *County, to enable* Jacob Holland *to sell and convey the same in Fee-simple, and to entail other Lands in lieu thereof. Lib.* B.L.C. *fol.* 482. *PR.* Ditto.

CHAP. XV.

An Act impowering certain Persons to vend and dispose of Lands in Somerset *County, whereof* Woney M^cClemey *died seized in Fee for the Purposes therein mentioned. Lib.* B.L.C. *fol.* 484. *PR.* Ditto.

CHAP. XVI.

An Act to continue such Actions now depending in the Provincial Court as by Law ought to have been determined in May *Provincial Court, One Thousand Seven Hundred and Forty-nine. Lib.* B.L.C. *fol.* 485. Ditto.

At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, the 8th Day of *May*, in the 35th Year of the Dominion of the Right Honourable CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 2d Day of *June*, in the 36th Year of his Lordship's Dominion, *Annoq*; *Domini* 1750: The following Laws were Enacted. 1750.

SAMUEL OGLE, Esq; Governor.

CHAP. I.

An Act to prevent the Exporting of Trash or bad Tobacco. Lib. B.L.C. *fol.* 487. *EXP.* Passed 15th *May* 1750.

To be in Force till the 1st *December* 1753.

CHAP. II.

Passed 15th May 1750. *An Act continuing an Act, entitled,* [a] *An Act to prevent the ill Practices of Sheriffs, in the Collecting and Payment of the Public and County Levies.* *Lib.* B.L.C. *fol.* 488. *EXP.*

[a] 1742, *ch.* 7, hereby continued 3 Years, *&c.*

CHAP. III.

Ditto. *An Act continuing an Act, entitled,* [b] *An Act for relieving the Inhabitants of this Province, from ſome Aggrievances in the Proſecution of Suits at Law; and for continuing the* [c] *Supplementary Act thereto.* *Lib.* B.L.C. *fol.* 488. *EXP.*

[b] 1714, *ch.* 4: [c] 1728, *ch.* 4: Both of which are hereby continued 3 Years, *&c.*

CHAP. IV.

Ditto. *An Act continuing an Act, entitled,* [d] *An Act for the Advancement of Juſtice.* *Lib.* B.L.C. *fol.* 489. *EXP.*

[d] 1742, *ch.* 4, hereby continued 3 Years, *&c.*

CHAP. V.

Ditto. An ACT to remedy ſome Evils relating to Servants. *Lib.* B.L.C. *fol.* 489.

Imported Servants, puniſhable by Impriſonment, ſhall ſerve their Owners Day for Day.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this Seſſion of Aſſembly, where any Servant or Servants now imported, or which hereafter ſhall be imported into this Province, ſhall by his, her, or their Evil Doings or Actions, commit ſuch Offence or Offences, where by the Laws, they ſubject him, her, or themſelves to Impriſonment, that in ſuch Caſe ſuch Servant or Servants ſhall, and he, ſhe, or they, are hereby obliged to ſerve the Maſter or Maſters, Miſtreſs or Miſtreſſes of ſuch Servant or Servants, Day for Day, and no more, ſuch Maſter or Maſters, Miſtreſs or Miſtreſſes, ſhall loſe of his, her, or their Service, by ſuch Impriſonment.

If fined, their Owners ſhall pay the Fines, and be reimburſed by Servitude.

II. And be it further Enacted, That if by the Evil doing, or Actions of ſuch Servant or Servants, he, ſhe, or they, ſhall be fined for the Breach of the Peace, or any Law of this Province, at any Time after the End of this Seſſion, and that the Maſter or Maſters, Miſtreſs or Miſtreſſes of ſuch Servant or Servants pay ſuch Fine, ſuch Servant or Servants ſhall make Satisfaction by Service, or otherwiſe, at the Expiration of their firſt Time of Servitude, for ſuch Fine or Fines.

County Courts to determine all Diſputes on this Act.

III. And be it likewiſe Enacted, That the ſeveral and reſpective Juſtices of the ſeveral and reſpective County Courts within this Province, where the Caſe ſhall happen, ſhall, and they are hereby obliged and directed, to hear and determine any Diſpute that may ariſe between the Maſter or Maſters, Miſtreſs or Miſtreſſes, and ſuch Servant or Servants, in relation to the Caſes herein before mentioned, and to adjudge according to the Directions of this Act herein before mentioned.

Duration.

IV. This Act to continue from and after the End of this preſent Seſſion of Aſſembly, for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1753, *ch.* 4; 1757, *ch.* 4; 1760, *ch.* 15; and 1763, *ch.* 9; for 3 Years, *&c.*

CHAP. VI.

Paſſed 2d June 1750. *An Act to enable the Juſtices of* Kent *County Court for the Time being, to levy on the Taxable Inhabitants of the ſaid County, a* [e] *Quantity of Tobacco for the Uſes therein mentioned.* *Lib.* B.L.C. *fol.* 490.

[e] *Viz.* 50000 lb Tobacco at two Aſſeſsments, for enlarging their Court-houſe.

CHAP.

CHAP. VII.

An Act to enable the Justices of Baltimore *County Court, to assess and levy on the Taxable Inhabitants of* St. George's *Parish in that County, a* [1] *Sum of Money for the Uses therein mentioned.* *Lib.* B.L.C. *fol.* 490. Passed 2d *June* 1750.

[1] *Viz.* 1200*l.* Current Money at four equal Assessments, to be paid to the Order of the Rector, Vestry, and Church-wardens, and by them be applied towards the purchase of Three Acres of Land, and building a new Church thereon; and the like Quantity of Land, and building a Chapel of Ease thereon, *&c.* Supplementary Acts are 1757, *ch.* 18; and 1758, *ch.* 2.

CHAP. VIII.

An Act impowering the Justices of Charles *County Court, to assess and levy a* [2] *Quantity of Tobacco; and for other Purposes therein mentioned.* *Lib.* B.L.C. *fol.* 491. Ditto.

[2] *Viz.* 27000lb Tobacco by two equal Assessments, on the Taxables of *William and Mary* Parish, to be applied by the Rector, Vestry, *&c.* towards enlarging and repairing their Parish Church. This Act also impowered the said Rector, *&c.* to sell all the Swine and Neat Cattle belonging to the Glebe of the said Parish, and to apply the Produce towards repairing the Glebe, *&c.*

CHAP. IX.

An Act impowering the Justices of Prince-George's *County, to levy on the Taxable Inhabitants of* Queen-Anne *Parish in the said County, Fifty Pounds Current Money, for the* [h] *Uses therein mentioned.* *Lib.* B.L.C. *fol.* 492. Ditto.

[h] *Viz.* For Paling in their Chapel Yard, and building a House with a Fire-Place to accommodate the Minister and Parishioners in bad Weather.

CHAP. X.

An Act continuing an Act, entitled, [1] *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.* *Lib.* B.L.C. *fol.* 493. *EXP.* Ditto.

[1] 1745, *ch.* 15; hereby continued 3 Years, *&c.*

CHAP. XI.

An Act for the further Enlargement of Baltimore-Town, *in* Baltimore *County.* *Lib.* B.L.C. *fol.* 493. Ditto.

N. B. This Act (pursuant to the Petition of the Inhabitants of the said County) impowered the Commissioners of *Baltimore-Town*, to cause about 25 Acres of Land (on the North and East Sides of that Part of *Baltimore-Town*, formerly called *Jones's-Town*) to be surveyed and laid out into Lots and Streets, in such Manner as to them should seem convenient; which being done, the same is hereby declared to be Part of *Baltimore-Town* aforesaid, to all Intents and Purposes, as fully and amply as if included originally therein, and have the same Immunities and Privileges as the rest of the said Town, by any former Laws ought to have. And Persons building or improving on any of the said Lots, as by former Laws relating to the said Town is directed, and purchasing the same from the Proprietor (with whom they are left, by this Act, to agree, otherwise to have no Title therein) shall have an absolute Estate of Inheritance in any Lot or Lots so purchased and built on.

CHAP. XII.

An Additional Supplementary ACT to the Act, entitled, * An Act for Laying out and Erecting a Town at a Place called *Long-Point*, on the West Side of *North-East* River in *Cæcil* County. *Lib.* B.L.C. *fol.* 494. Ditto.

* 1742, *ch.* 23.

WHEREAS it is represented to this General Assembly, by the Commissioners for *Charles-Town* in said County, and by the humble Petition of the Inhabitants thereof, that many Regulations are yet wanted that would much conduce to the Convenience and Advantage of the Inhabitants, and further Settlement of said Town: It is therefore humbly prayed it may be Enacted; Preamble.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this Session of Assembly, it shall and may be lawful for the Commissioners for said Town for the Time being, or the major Part of them, to appoint yearly, one of the Inhabitants, to serve as an Overseer for said Town; and which Overseer, so appointed, shall be obliged to serve, on the Penalty of An Overseer for the Town to be appointed.

CHAP. XII.

His Power for clearing the Streets.

Thirty Shillings Current Money: And the ſaid Overſeer is hereby impowered, at ſuch Times as he, or the ſaid Commiſſioners, or the major Part of them, ſhall appoint, to ſummons all the Male Taxable Inhabitants of ſaid Town, to be employed in Clearing the Streets, and other Public Ground thereof, as the ſaid Commiſſioners or Overſeer ſhall direct; and to make Bridges and Cauſeways in the ſaid Streets, where they may, by the ſaid Commiſſioners or Overſeer, be deemed neceſſary; and that the ſaid Taxable Inhabitants ſhall be obliged to attend the Summons of the ſaid Overſeer, and to work on the ſaid Streets and Ground, or to ſend a Labouring Perſon in their Stead, on the Penalty of Five Shillings Current Money for every ſuch Day's Neglect or Refuſal, or in Proportion for ſuch Time or Part of the Day they ſhall neglect or refuſe to Attend and Work as aforeſaid; and that the ſaid Taxables ſhall provide and bring neceſſary Tools for the ſaid Work: Alſo that a Note or Advertiſement put up by the ſaid Overſeer at the Market-houſe of ſaid Town, and at the Public Warehouſe, five Days before the Day appointed for the Meeting of the ſaid Taxables, ſhall be deemed ſufficient Notice and Summons to the Inhabitants aforeſaid.

Inhabitants to grub and clear their Lots from Underwood.

III. **And whereas** many Perſons have built, and are now building, in ſaid Town, and clear no more Ground than where their Houſes ſtand, whereby the reſt of their Lot becomes a Thicket, unſerviceable for Paſturage, alſo inconvenient and unwholeſome to all the Inhabitants; **Be it further Enacted**, *by the Authority aforeſaid*, That all Perſons living or inhabiting on any Lot in ſaid Town, ſhall within Six Months, from and after the End of this preſent Seſſion of Aſſembly, grub and clear the Ground of the ſaid Lot, or ſuch Part thereof as they occupy, or to them belong, from all Underwood, Grubs and Buſhes, on the Penalty of Thirty Shillings Current Money, to be forfeited and paid by the Occupyer of ſuch Houſe or Lot; and in proportion to the Owners or Occupyers of Half Lots: And if the ſaid Occupyer or Inhabitant be a Tenant, it ſhall be lawful for him to diſcount the Charge thereof from the Rent agreed to be paid for ſuch Houſe or Lot, ſo as the ſame exceed not Twenty Shillings for one whole Lot; and alſo, that any Perſon hereafter building on any Lot in ſaid Town ſo as to ſave the ſame, ſhall within Three Months after the building thereon, grub and clear the ſaid Lot as aforeſaid, on the Penalty aforeſaid, to be applied by the ſaid Commiſſioners in clearing the ſaid Lot, and the Overplus, if any, in clearing the Public Squares of ſaid Town.

Penalty for barking or cutting down, &c. Trees on the Common:

IV. **And** for the better Preſervation of the Wood and Timber ſtanding or growing on the Common, for a conſtant Supply of Firewood for the Inhabitants, and the public Uſes of ſaid Town; **Be it alſo Enacted**, That no Perſon or Perſons, ſhall preſume to bark any Tree or Trees within the Bounds of ſaid Common, nor to make or burn any Coal or Brick-Kilns with the Wood thereof, nor cut down, or haul any Trees or Logs, for the erecting or building of private Houſes, or ſuch like, on the Penalty of Twenty Shillings Current Money for each Tree, ſo barked, or cut down as aforeſaid: And the ſaid Commiſſioners are hereby impowered to enquire into ſuch, or other Waſte made of the ſaid Wood and Timber, and to make ſuch Rules and Orders from Time to Time, as may ſeem to them neceſſary to prevent the ſame.

Such Waſte to be enquired into.

Power of the Commiſſioners to Leaſe out the Marſh.

V. **And be it further Enacted**, That the Commiſſioners aforeſaid are hereby impowered to Rent or Leaſe a Marſh lying on the Eaſt Part of the Common aforeſaid, or any Part thereof, for any Term, not exceeding Twenty-one Years, to ſuch Perſon or Perſons as will undertake to dyke, drain, and turn the ſame into good Meadow, on ſuch Rents and Conditions as ſhall be agreed on with the ſaid Commiſſioners; the Leſſee giving ſufficient Security for the due Performance thereof: The Rents or Profits ariſing therefrom to be paid to the ſaid Commiſſioners, to be applied to the public Uſe of ſaid Town.

VI. And

CHAP. XII.

VI. And whereas there is a Public Market-houſe erected in ſaid Town, where all Sorts of Proviſions, for Supply of the Inhabitants and others, were heretofore uſually bought and ſold, in great Plenty, on Wedneſdays and Saturdays, the Market Days appointed by this Act; but which ſaid Market begins to be leſs uſeful, by Foreſtallers and Hawkers from Houſe to Houſe, to the great Inconvenience and Diſappointment of the poorer Sort of Inhabitants, as well as the Neighbourhood, who uſed to be ſupplied therefrom; Be it therefore Enacted, That all Sorts of Fleſh, and other Proviſion uſually brought to be ſold for Supply of the Inhabitants and others aforeſaid, ſhall be brought to, and ſold at, the public Market-place of ſaid Town, and that any Perſon or Perſons Foreſtalling, or Buying on the Road, any Sort of Proviſions coming to the ſaid Market, within One Mile of the ſame, ſhall forfeit and pay double the Value of the ſaid Proviſions ſo Foreſtalled, or Bought as aforeſaid: And that any Perſon or Perſons hawking about any Sort of Proviſion, from Houſe to Houſe, on the ſaid Market Days, before Eight o'Clock of the ſaid Days, ſhall alſo forfeit double the Value of the ſaid Proviſions, on Proof made thereof before any Juſtice of the Peace for ſaid County; and that it ſhall be lawful for the ſaid Commiſſioners, and they are hereby impowered to make ſuch good Rules and Orders as may conduce to the due Regulation of ſaid Market.

Proviſions not to be foreſtalled, but brought to the Market-houſe.

Penalty on Foreſtallers, and Hawkers of Proviſions.

VII. And be it further Enacted, That it ſhall not be lawful for any Perſon or Perſons to keep or raiſe any Swine, Sheep, or Geeſe within the ſaid Town, unleſs they be well incloſed in ſome Lot or Pen, on Penalty that the ſame may be taken up by Order of the ſaid Commiſſioners or Overſeer aforeſaid, and applied to the Uſe of the Priſoners in ſaid County Goal.

Swine, Sheep or Geeſe, not to be raiſed, &c.

VIII. And for preventing any Accidents by Fire; Be it alſo Enacted, That any Inhabitant of ſaid Town, permitting his, her, or their Chimney to take Fire, ſo as to Blaze out at the Top, ſhall forfeit and pay the Sum of Ten Shillings Current Money for every ſuch Offence: And any Perſon living in a Houſe in ſaid Town, with a Chimney, and in Uſe, who ſhall not keep a Ladder high enough to reach the Top of the Roof of ſuch Houſe, ſhall alſo forfeit and pay the like Sum of Ten Shillings like Money.

Penalty for permitting Chimneys to take Fire, &c.

IX. And be it further Enacted, That all the Fines and Forfeitures in this Act mentioned, ſhall be recovered by and in the Name of the Commiſſioners aforeſaid, before a ſingle Magiſtrate, as in the Caſe of ſmall Debts, to be by them applied to the public Uſe of ſaid Town, and accounted for in the ſame Manner as is directed by former Laws.

Forfeitures, how to be recovered.

X. And be it further Enacted, *by the Authority aforeſaid*, That an Act, entitled, *A Supplementary Act to the Act, entitled, An Act for Laying out and Erecting a Town at a Place called* Long-Point, *on the Weſt ſide of* North-Eaſt *River, in* Cæcil *County*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Firſt Day of *May*, *Anno Domini* One Thouſand Seven Hundred and Forty-four, be, and is hereby continued in full Force.

The Act of 1744, *ch.* 22, continued in full Force.

XI. This Act to continue for Three Years, from and after the End of this Seſſion of Aſſembly, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Made Perpetual by 1753, *ch.* 28.

CHAP. XIII.

An Act to ſettle the Diviſions between Frederick *and* Baltimore *Counties, and alſo between* Dorcheſter *and* Worceſter *Counties*. *Lib.* B.L.C. *fol.* 496.

Paſſed 2d *June* 1750.

N. B. By this Act, (1.) That Part of *Frederick* County, which was formerly included in *Prince George*'s County, is hereby divided from *Baltimore* County, in Manner following, *viz.* Beginning at a Spring called *Parr*'s Spring; and running from thence N. 35° E. to a bounded White Oak, ſtanding on the Weſt ſide of a Waggon Road, called *John Digges*'s Road, about a Mile

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Mile above a Place called *The Burnt-house Woods*; and running thence up the ſaid Road to a bounded White Oak ſtanding on the Eaſt ſide thereof at the Head of a Draught of *Sam*'s Creek; thence N. 55° E. to a *Spaniſh* Oak ſtanding on a Ridge near *William Roberts*'s, and oppoſite to the Head of a Branch called the *Beaver-Dam*; and running thence N. 20° E. to the Temporary Line between the Provinces of *Maryland* and *Pennſylvania*, being near the Head of a Draught of *Conewago*, at a rocky Hill called *Rattle-Snake Hill*: Which ſaid Lines are hereby eſtabliſhed as the Boundaries between the ſaid Counties; and all the Lands on the South-Eaſt ſide of the ſaid Lines to be deemed to be in *Baltimore* County, *&c.* and all the Lands on the Weſt-North-Weſt ſides, to be Part of *Frederick* County, *&c.* (2.) The Branch running up to the Widow *Owens*, late the Wife of *William Owens*, and from thence up the main Branch, between *John Marriot*'s and *Edward Burris*'s, ſhall be the Diviſion between the Two Counties of *Dorcheſter* and *Worceſter*: And all the Lands on the North ſide of the ſaid Branch ſhall be deemed to be in *Dorcheſter* County; and all the Lands to the Southward thereof to be deemed to be in *Worceſter* County.

CHAP. XIV.

Paſſed 2d *June* 1750.

An ACT to oblige Owners, Overſeers, and Managers of Iron-Works to aſſiſt in repairing Public Roads. *Lib.* B.L.C. *fol.* 497.

Owners of Iron-Works, to ſend one, out of every 10 labouring Perſons, to aſſiſt in clearing, *&c.* Highways.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Owner or Owners, Overſeer or Overſeers, or Managers, of any Iron-Work or Works within this Province, ſhall, from Time to Time, and at all Times hereafter, permit and ſuffer One Labourer out of every Ten labouring Perſons, belonging to, or employed in working at ſuch Work or Works, to obſerve the Orders of the reſpective Overſeers of the Highways, where ſuch Work or Works are, or may be, in aſſiſting in or about the Clearing, Mending and Repairing the Highways or Public Roads and Bridges, in ſuch Manner as other Labourers, and male Taxable Perſons are compelled to do, by an Act of Aſſembly of this Province, entitled, [k] *An Act for the marking of Highways, and making the Heads of Rivers, Creeks, Branches, and Swamps, paſſable for Horſe and Foot*, made at a Seſſion of Aſſembly begun and held at the Town and Port of *Annapolis*, the Fifth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Four, and ſubject to the like Pains and Penalties as are by the ſaid recited Act directed; to be recovered and applied according to the Directions of an Act of Aſſembly, entitled, [l] *An Act directing the Manner of the Recovery of Fines, for not appearing at the Clearing of the Highways*; any Law, Uſage or Cuſtom heretofore to the contrary notwithſtanding.

[k] 1704, *ch.* 21.

[l] 1723, *ch.* 17.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XV.

Paſſed 2d *June* 1750.

An Act to impower the Juſtices of Prince-George's *County Court, for the Time being, to treat and agree with an Undertaker or Undertakers, to ſtop a Breach now made from the North-Weſt Branch of* Patuxent *River, in ſaid County, acroſs the main Road in* Queen-Anne *Town in ſaid County; and to levy on the Taxable Inhabitants thereof, a Sum of Money for the Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 497.

CHAP. XVI.

Ditto. *A Supplementary Act to the Act, entitled,* [m] *An Act to impower the Juſtices of* Queen-Anne's *County Court, to ſell the Materials of the old Priſon of that County, and the Produce thereof to apply as therein directed. Lib.* B.L.C. *fol.* 498.

[m] 1749, *ch.* 10, Which was not carried into Execution, the Materials of the old Priſon being of ſmall Value to any Purchaſer who ſhould be obliged to pull down and remove the ſame; therefore the preſent Act impowered the Juſtices to ſell the old Priſon, together with One fourth Part of an Acre of the Public Land whereon it ſtood, *&c.*

CHAP. XVII.

Ditto. *An Act to enable the Veſtry-men and Church-wardens of* King and Queen *Pariſh, in* St. Mary's *County, for the Time being, to ſell a certain Tract of Land therein mentioned, and to apply the Produce Money or Tobacco ariſing by ſuch Sale towards the Purchaſe of another Piece of Land, to be made a Glebe, for the Uſe of the Incumbent of that Pariſh, and his Succeſſors. Lib.* B.L.C. *fol.* 499.

CHAP.

CHAP. XVIII.

An Act for the Relief of Philip Cazear, *a languishing Prisoner in* Cæcil *County Goal. Lib.* B.L.C. *fol.* 499. *PR.* Passed 2d *June* 1750.

CHAP. XIX.

An Act to enable the Rector and Vestry-men of Great-Choptank *Parish, in* Dorchester *County, to Lease some Land belonging to the said Parish, unimproved. Lib.* B.L.C. *fol.* 500. Ditto.

N. B. By this Act the Rector and Vestry-men are impowered to Lease, Demise, and to Farm Let, any Part or Quantity of Land reserved for the Use of the Parish Church, in the Town of *Cambridge*, unimproved, not exceeding One Acre and an Half, by Deed Indented under the Hands and Seals of the said Rector and Vestry-men, for the Time being, or the major Part of them, &c. for any Term, not exceeding Twenty-one Years, or Three Lives; and also, on the Expiration of the said Term, to grant new Leases for the Premises for the like Term: The yearly Rents, &c. of the said Land to belong, and be applied to the Use and Benefit of the Rector, for the Time being, and to no other Use. And in all such Leases, a Clause to be inserted, obliging the Lessees to build a Brick or Stone Chimney to every of the Buildings erected on the said Land, where Fire is to be used; and that no Fire shall be made or kept in any wooden Chimneys, on any Part of the Premises, otherwise the Leases to be void.

CHAP. XX.

An Act continuing an Act, entitled, [n] *An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 501. *EXP.* Ditto.

[n] 1749, *ch.* 8, hereby continued 'til 1st *December* 1752.

CHAP. XXI.

An Act to enable the Justices of Frederick *County, to levy a* [o] *Sum of Money on the Taxable Inhabitants of* [p] All-Faith's *Parish in the said County; and for the building a* [q] *Chapel of Ease in* King and Queen *Parish, in* St. Mary's *County; and for other Purposes therein mentioned. Lib.* B.L.C. *fol.* 501. Ditto.

[o] *Viz.* 100 *l.* Currency, for finishing the Parish Church in *Frederick-Town*, and the Minister of the said Parish to perform Divine Service, &c. at the said Parish Church, and at each of the two Chapels of Ease belonging to the said Parish, on every Third Sunday.

[p] A Misnomer, the Name of the Parish being *All-Saints* Parish. See 1742, *ch.* 18.

[q] The Incumbent to officiate at the said Chapel, when built, every Third Sunday.

CHAP. XXII.

An Act to encourage the destroying of Squirrels and Crows in the several Counties therein mentioned. Lib. B.L.C. *fol.* 503. *EXP.* Ditto.

To continue in Force for 2 Years, &c. A new Law 1752, *ch.* 9.

CHAP. XXIII.

An Act impowering the Rector, Vestry-men and Church-wardens of Queen-Caroline *Parish, in* Anne-Arundel *County, for the Time being, to purchase One Acre of Land, and thereon to build a Chapel of Ease in the said Parish; and to impower the Justices of the said County, to levy on the Taxable Inhabitants of the said Parish, the Sum of Twelve Pence Current Money, Yearly, by three annual Assessments, for the Uses therein mentioned. Lib.* B.L.C. *fol.* 504. Ditto.

CHAP. XXIV.

An Act to enable George Cattc, *of* Cæcil *County, Gent. and* Araminta *his Wife, Executrix of* William Alexander, *late of the County aforesaid, Gent. her former Husband, deceased, to sell Lands. Lib.* B.L.C. *fol.* 505. *PR.* Ditto.

CHAP. XXV.

A Supplementary ACT to the Act, entitled, * *An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods. Lib.* B.L.C. *fol.* 507. Ditto.

* 1715, *ch.* 31.

WHEREAS it is Enacted by the above recited Act, "That whenever any Horse, Mare, or Gelding, shall break into any Cornfield, or other Inclosure, and the Owner be not known, that then and in all such Cases, it shall and may be lawful for the Party grieved, to take up such Horse, Mare, or Gelding, so trespassing, and the same to carry before the next Magistrate, who shall be obliged to take an Account of Preamble.

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" of the Marks of ſuch Beaſts, both Natural and Artificial, which the Perſons aggrieved ſhall ſet up in the moſt Public Places in the ſame County; " and until the Owner ſhall be known, it ſhall and may be lawful for ſuch " injured Perſon to uſe and employ ſuch Horſes, Mares and Geldings, without incurring the Penalties in this Act herein after impoſed, not injuring " ſuch Beaſt by any careleſs or wilful Means; which Beaſt ſhall be delivered " in good Order to the Perſon owning the ſame, proving his Property by the " Teſtimony of one Witneſs, before any Magiſtrate," which Method, by Experience, is found inconvenient to the Owner or Owners of ſuch Horſes, Mares, or Geldings, they being very often kept for a conſiderable Time in the Poſſeſſion of the Party by whom ſuch Horſe, Mare, or Gelding, are taken up, before the ſame comes to the Knowledge of the Owner of ſuch Horſe, Mare, or Gelding: For Prevention whereof;

Perſons taking up treſpaſſing Horſes, &c. ſhall ſet up Notes thereof, &c. according to the original Act, &c.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this Seſſion of Aſſembly, the Party grieved, who ſhall take up ſuch Horſe, Mare, or Gelding, treſpaſſing as aforeſaid, ſhall be, and is hereby obliged and directed to ſet up ſuch Account, ſo taken by the Magiſtrate as aforeſaid, deſcribing the Marks of ſuch Beaſts, both natural and artificial, at the Court-houſe Door, and other Public Places in the County where ſuch Horſe, Mare, or Gelding ſhall be taken up, within five Days after ſuch Account taken; and moreover cauſe the Marks natural and artificial of ſuch Horſe, Mare, or Gelding, to be recorded amongſt the Records of ſuch County Court, within five Days after ſuch Account ſhall be taken, and cauſe the ſame to be publiſhed in the *MARYLAND* GAZETTE in Six Months after ſuch Account ſhall be taken; and the Expences ariſing thereon, ſhall be paid by the Owner or Owners of ſuch Horſe, Mare, or Gelding, at the Time of his receiving any ſuch Horſe, Mare, or Gelding; any Law, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

and alſo publiſh the ſame in the *Maryland* Gazette, in 6 Months, at the Expence of the Owner.

III. **And be it alſo Enacted,** That if any Perſon within this Province, ſhall now have in his or her Poſſeſſion, any ſuch Horſe, Mare, or Gelding, ſo taken up as aforeſaid, he or ſhe ſhall be, and is hereby obliged and directed, within Sixty Days after the End of this Seſſion of Aſſembly, to ſet up an Account of ſuch Horſe, Mare, or Gelding, taken by ſome Magiſtrate as aforeſaid, deſcribing the Marks both natural and artificial of ſuch Beaſts, and the ſame to Publiſh, Record, and Advertiſe, in the ſame Manner that any Perſon is obliged by this Act to do, in relation to any Horſe, Mare, or Gelding, which ſhall be taken up after the End of this Seſſion; any Thing in the aforeſaid recited Act to the contrary in any wiſe notwithſtanding.

Penalty for acting contrary to this Law.

IV. **And be it further Enacted,** That any Perſon that ſhall take up ſuch Horſe, Mare, or Gelding, and that ſhall act contrary to the Directions of this Act, ſhall for every ſuch Offence forfeit the Sum of Thirty Pounds Current Money, one Half to the Informer, the other Half to the Party grieved; to be recovered in any County Court of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed.

Duration.

V. This Act to continue Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1753, *ch.* 7; 1757, *ch.* 5; 1760, *ch.* 13; and 1763, *ch.* 11.

CHAP. XXVI.

Paſſed 2d *June* 1750.

An Act for the Sale of certain Lands and Houſes belonging to the Free-School in the City of Annapolis, *called* King William's School. *Lib.* B.L.C. *fol.* 508.

N. B. By this Act, (1.) The Rector and Viſitors of the ſaid School, or major Part of them, are impowered to ſell a Parcel of Land in *Dorcheſter* County, called *Surveyor's Foreſt*, containing

ing 650 Acres, devised to them by the Last Will and Testament of *Thomas Smithson*, late of *Talbot* County, Esq; and also the several Houses and Lots in *Annapolis*, of which they are seized; and to convey the same under the Seal of the Corporation. (2.) But such Sale not to affect or prejudice any Right or Title, either in Law or Equity, which the present Lessees may have, or claim in or to such Lots or Houses. (3.) The Rector and Visitors to lay out the Money arising from the Sale of the said Lands, and the said Lots and Houses in the City of *Annapolis*, at Interest, on good Security, for the Use of the said School; and apply the annual Interest arising therefrom towards the Payment of a Master, Masters, or Usher of the said School, and to no other Use or Purpose whatever. (4.) Saving to his Majesty, the Lord Proprietary, and all others not mentioned in this Act, their several and respective Rights. CHAP. XXVI.

CHAP. XXVII.

An Act to impower James Sterling, *Rector of* St. Paul's *Parish, in* Kent *County, to convey Two Tracts of Land, the one called* Huddle's Right, *the other called* Rushmore, *lying in* Kent *County aforesaid. Lib.* B.L.C. *fol.* 509. *PR.* Passed 2d *June* 1750.

CHAP. XXVIII.

A Supplementary Act to the Act, entitled, [1] *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees. Lib.* B.L.C. *fol.* 511. *EXP.* Ditto.

[1] 1747, *ch.* 1. The present Act to continue in Force 'til the 1st *December* 1753.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 15th Day of *May*, in the 37th Year of the Dominion of the Right Honourable * CHARLES, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1751, and ended the 8th Day of *June*: The following Laws were Enacted. 1751.

* The Right Honourable CHARLES Lord BALTIMORE deceased the 23d *April* 1751, before the Commencement of this Session; the Acts whereof were consequently void, as being Enacted under an Authority no longer subsisting. Therefore, in the subsequent Session this present Year, held under the Commission of the present Rt Honble PROPRIETOR, and his then GUARDIANS, *ch.* 27, §. 5, "All the Acts of this Session are made good and valid in Law, to all Intents, "Constructions, and Purposes whatsoever, for and during the Continuance in the said several "Acts mentioned, the Death or Demise of the said late CHARLES Lord BALTIMORE, notwithstanding."

SAMUEL OGLE, Esq; Governor.

CHAP. I.

An Act to prevent the Sale of trashy Tobaccoes. Lib. B.L.C. *fol.* 523. Passed 28th *May* 1751.

To continue in Force till the 1st *December* 1753; and by the Inspection Law of 1753, *ch.* 22, was to continue in Force during that Act, which expired the 1st *December* 1763. The Substance of this Act, is included in the present Inspection Law of 1763, *ch.* 18, from §. CXXXI, to CXXXVIII, both inclusive.

CHAP. II.

An Act continuing an Act, entitled, [2] *An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy. Lib.* B.L.C. *fol.* 527. *EXP.* Passed 8th *June* 1751.

[2] 1737, *ch.* 2, hereby continued 3 Years, &c.

CHAP. III.

An ACT for destroying Wolves in *Frederick* County. *Lib.* B.L.C. *fol.* 527. Ditto.

WHEREAS it appears to this General Assembly, that Wolves are very numerous and mischievous in *Frederick* County, and that they destroy great Numbers of Sheep, Hogs and Cattle; and therefore, if not timely prevented, will become so numerous as not only to infest that County, but by that Means all the Province: It is therefore prayed that it may be Enacted; Preamble.

CHAP. III.

Any credible White Perſon bringing the Head of a Wolf before any Juſtice of *Frederick* County, and making Oath, &c. ſuch Magiſtrate ſhall give Certificate,

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That when, and as often as, any credible White Perſon or Perſons, ſhall bring before any Juſtice of the Peace within *Frederick* County, the Head or Heads of any Wolf or Wolves, and make Oath on the Holy Evangels of Almighty GOD (or Affirmation if a Quaker) that the Wolf or Wolves, of which he, ſhe, or they, produces the Head or Heads, was or were actually killed (or caught and killed, as the caſe ſhall happen) within the Limits of the aforeſaid *Frederick* County, within Three Days next before the producing the ſame to ſuch Juſtice, that then ſuch Juſtice ſhall, and he is hereby obliged and directed, to give ſuch Perſon or Perſons, producing ſuch Wolves Head or Heads, a Certificate for ſuch Head or Heads ſo produced and proved as aforeſaid, and in ſuch Certificate to mention the Oath or Affirmation taken; and therein diſtinguiſh, which, or how many of the Heads, was the Heads of the Old or Young Wolves. And every Juſtice that ſhall have any Wolves Head or Heads brought before him by any Perſon as aforeſaid, ſhall be, and he is hereby authorized and impowered to judge of the Age of the ſaid Wolf or Wolves, of which the Head or Heads is brought before him; and if ſuch Juſtice ſhall believe the Age of ſuch Wolf or Wolves to exceed Three Months, that then he ſhall diſtinguiſh it in his Certificate by the Words *Old Wolf*, or *Wolves*; but if he ſhall believe the ſaid Wolf or Wolves to be under the Age of Three Months, that then he ſhall diſtinguiſh the ſame in his Certificate, by the Words *Young Wolf*, or *Wolves:* And that every Juſtice to whom any Wolf's Head is brought, and by whom a Certificate ſhall be given as aforeſaid, ſuch Juſtice is hereby obliged and directed, immediately to cut off the Ears, and to take out the Tongue, off and from the Head or Heads of ſuch Wolf or Wolves, to prevent ſuch Head or Heads from being a ſecond Time carried before a Juſtice in order to obtain a Certificate.

and judge of the Age,

and cut the Ears and Tongue.

Allowance on ſuch Certificate, 20 *s.* for every old, and 15 *s.* for every young Wolf's Head therein mentioned.

III. **And be it further Enacted,** *by the Authority aforeſaid,* That every Perſon or Perſons, who ſhall produce any Certificate as aforeſaid, to the Juſtices of the aforeſaid *Frederick* County, in *November* Court yearly, ſhall, for every Old Wolf's Head, be allowed the Sum of Twenty Shillings, and for every Young Wolf's Head, the Sum of Fifteen Shillings Current Money, to be by the Juſtices aforeſaid, aſſeſſed and levied in the County Levy, Yearly and every Year, during the Continuance of this Act, together with the Sheriff's Salary for collecting the ſame; and be paid by the Sheriff to ſuch Perſon or Perſons as ſhall be entitled to the ſame as aforeſaid.

Repeal of the Act of 1713, *ch.* 13, and its Supplementary Act.

IV. **And be it likewiſe Enacted,** That ſo much of an Act of Aſſembly of this Province, entitled, *An Act for Killing of Wolves, Crows, and Squirrels,* made at a Seſſion's of Aſſembly begun and held at the City of *Annapolis*, the Twenty-ſeventh Day of *October*, One Thouſand Seven Hundred and Thirteen, and the Supplementary Act thereto, ſo far as relates to the making an Allowance for any Wolf's Head, and that may thereby, in any Manner, affect *Frederick* County aforeſaid, be, and is hereby declared to be repealed, abrogated, and made null and void.

Continuance.

V. This Act to [b] continue for Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

[b] Continued farther by 1754, *ch.* 3; 1757, *ch.* 20; and 1762, *ch.* 8.

CHAP. IV.

Paſſed 8th *June* 1751.

An Act continuing an Act, entitled, [c] *An Act for Puniſhment of Horſe-Stealers, and other Offenders. Lib.* B.L.C. *fol.* 528. *EXP.*

[c] 1744, *ch.* 20, hereby continued for 3 Years, &c.

CHAP.

CHAP. V.

An ACT to annex certain extra-parochial Lands, lying between *Naſſaongo* Creek, and *Accongo* Branch, in *Worceſter* County, to the Pariſh of *All-Hallows*. *Lib.* B.L.C. *fol.* 529.

Paſſed 8th *June* 1751.

WHEREAS by the humble Petition of ſundry Inhabitants of that Part of a Place called the *Indian-Town*, in the County of *Worceſter*, which lies between *Naſſaongo* Creek, and *Accongo* Branch, it is repreſented to this General Aſſembly, That all that Tract or Parcel of Land lying and being in the *Indian-Town* aforeſaid, between *Naſſaongo* Creek, and *Accongo* Branch aforeſaid, is not at preſent within the Bounds or Limits of any Pariſh; and that the Pariſh Church of *All-Hallows*, is the moſt convenient Place for the Inhabitants aforeſaid to attend Divine Worſhip; and pray that the extra-parochial Lands aforeſaid, may be annexed to the aforeſaid Pariſh of *All-Hallows:* And this General Aſſembly having taken the Premiſes into Conſideration, and thought the ſame Reaſonable, it is humbly pray edthat it may be Enacted; Preamble.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That all that Tract or Parcel of extra-parochial Land, ſituate, lying and being, in the Place commonly called and known by the Name of the *Indian-Town*, between the Creek called *Naſſaongo* Creek, and *Accongo* Branch, in *Worceſter* County aforeſaid, after the End of this preſent Seſſion of Aſſembly, ſhall be, and it is hereby, annexed unto *All-Hallows* Pariſh in the County aforeſaid. **And it is alſo hereby Enacted,** That all the Lands contained between the Limits aforeſaid, ſhall, after the Time aforeſaid, be deemed, reputed, adjudged and taken, as Part and Parcel of the ſaid Pariſh of *All-Hallows*, and no other. Certain extra-parochial Lands annexed to *All-Hallows* Pariſh, in *Worceſter* County.

III. **And be it further Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That the Inhabitants who now reſide, or who may hereafter reſide between *Naſſaongo* Creek, and *Accongo* Branch aforeſaid, ſhall have and enjoy all ſuch Benefits, Privileges, Powers and Authorities, in every Reſpect, as other the Inhabitants of the ſaid Pariſh of *All-Hallows* now have, or hereafter may have or enjoy; any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding. And the Inhabitants to have the Privileges, &c. of other Pariſhioners.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VI.

An Act to enable the Veſtry-men and Church-wardens of Durham *Pariſh, in* Charles *County, for the Time being, to Sell Two Tracts of Land therein mentioned, and to apply the Produce Money or Tobacco ariſing by ſuch Sale, towards the Purchaſe of another Piece of Land, to be made a Glebe for the Uſe of the Incumbent of that Pariſh, and his Succeſſors. Lib.* B.L.C. *fol.* 529.

Paſſed 8th *June* 1751.

N. B. By this Act, the Veſtry, &c. were impowered to Sell Two Tracts of Land, *viz. Randall's Addition*, containing 200 Acres, and *Hooknorton*, containing 150 Acres, and to apply the Money or Tobacco ariſing from ſuch Sale, towards the Purchaſe of another Piece of Land in the ſame Pariſh, to be made over to the ſaid Veſtry-men, &c. in Truſt, and for the Uſe and Benefit of the Incumbent of the ſaid Pariſh, and his Succeſſors for ever.

CHAP. VII.

An ACT continuing an Act, entitled, * An Act to prevent cutting up Tobacco Plants, deſtroying of Tobacco and Tobacco Houſes, and for aſcertaining the Puniſhment of Criminals guilty of the ſaid Offences. *Lib.* B.L.C. *fol.* 530.

Ditto.

* 1744, *ch.* 5.

WHEREAS a Temporary Law, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the firſt Day of *May*, *Anno Domini*, One Thouſand Seven Hundred Forty and Four, entitled, Preamble, reciting the Act of 1744, *ch.* 5.

CHAP. VII. *An Act to prevent cutting up Tobacco Plants, deſtroying of Tobacco and Tobacco Houſes, and for aſcertaining the Puniſhment of Criminals guilty of the ſaid Offences,* by Experience has been found uſeful and beneficial, is near Expiring: Therfore for continuing the ſame;

The ſaid Act hereby made Perpetual. II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the ſaid recited Act, and every Article, Clauſe and Thing therein contained, ſhall be in full Force, and is hereby made Perpetual.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 8th *June* 1751. *An Act continuing an Act, entitled,* [d] *An Act to enable the ſeveral and reſpective County Clerks within this Province, to Remove ſome of the County Records and Papers from the Public Offices. Lib.* B.L.C. *fol.* 531. *EXP.*

[d] 1748, *ch.* 7, hereby continued 3 Years, *&c.*

CHAP. IX.

Ditto. *An Act to enable the Juſtices of* Charles *County, to aſſeſs and levy on the Taxable Inhabitants of that Part of the late Reverend Mr.* Donaldſon's *Pariſh, which lies in the ſaid County,* [e] *Fifty-five Thouſand Pounds of Tobacco; and for other Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 531.

[e] For Building a Pariſh Church and Chapel of Eaſe for *Trinity* Pariſh. A Supplementary Act 1752, *ch.* 6.

CHAP. X.

Ditto. *An Act continuing an Act, entitled,* [f] *A Supplementary Act to an Act, entitled, An Act laying an Impoſition on Negroes, and ſeveral Sorts of Liquors imported; and alſo on* Iriſh *Servants, to prevent the Importing too great a Number of* Iriſh *Papiſts into this Province. Lib.* B.L.C. *fol.* 533. *EXP.*

[f] 1735, *ch.* 6, hereby continued 3 Years, *&c.*

CHAP. XI.

Ditto. An ACT to make the Teſtimony of Convicted Perſons, Legal againſt Convicted Perſons. *Lib.* B.L.C. *fol.* 534.

Preamble. WHEREAS, Murders, Burglaries, and other Felonies and Offences, have been ſo frequent of late, that the Lives and Properties of his Majeſty's Subjects within this Province, are become precarious; which Offences have been generally committed by the Convicts imported into this Province, and ſuch as they Seduce to join with them in their wicked Practices; and which Crimes the ſaid Convicts are encouraged to perpetrate, becauſe they know that they are diſabled from being Witneſſes againſt each other, as the Law now ſtands: For Remedy whereof;

The Teſtimony of imported Convicts ſhall be allowed againſt other ſuch Convicts in Criminal Proſecutions. II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in all Criminal Proſecutions which ſhall happen, or be, after the End of this preſent Seſſion, againſt any Convict or Convicts imported into this Province as ſuch, or their Confederates or Accomplices being ſuch Convicts imported, the Teſtimony or Evidence, upon Oath, of any other Convict or Convicts imported as ſuch, or of any of the Confederates or Accomplices, being Convicts, in the ſame Crime, committed within this Province, ſhall be received and allowed as if he, ſhe, or they was, or were not under any Conviction or Diſability; ſuch Conviction or Diſability notwithſtanding.

Falſe Swearing puniſhable as Perjury. III. **Provided always,** That any Convict imported as ſuch, who ſhall be Sworn as a Witneſs in any ſuch Caſe, and who ſhall Swear falſely, and ſhall be thereof convicted by due Courſe of Law, ſhall ſuffer as a Perſon convict of wilful and corrupt Perjury.

IV. This

IV. This Act to continue for Three Years, and unto the End of the next Session of Assembly, which shall happen after the End of the said Three Years. CHAP. XI. Continuance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

This Act is farther continued by 1754, *ch.* 7; 1757, *ch.* 29; and 1762, *ch.* 11.

CHAP. XII.

An Act to enable the Justices of Charles *County, to levy a* [g] *Sum of Tobacco on the Taxable Inhabitants of* Port-Tobacco *Parish in the said County, for the Purposes therein mentioned. Lib.* B.L.C. *fol.* 534. Passed 8th *June* 1751.

[g] *Viz.* 140,000 lb Tobacco by Four equal Assessments, for Building a new Parish Church. A Supplementary Act in 1753, *ch.* 12.

CHAP. XIII.

An Act continuing an Act, entitled, [h] *An additional and explanatory Act to the Act, entitled, An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes. Lib.* B.L.C. *fol.* 535. *EXP.* Ditto.

[h] 1748, *ch.* 20, hereby continued 3 Years, *&c.*

CHAP. XIV.

An ACT for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, * An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves. *Lib.* B.L.C. *fol.* 536. Ditto.

* 1723, *ch.* 15. A Supplementary and Explanatory Act in 1753, *ch.* 26.

WHEREAS the Laws in Force for the Punishment of Slaves, are found insufficient to prevent their committing very great Crimes and Disorders, and that a further Provision is necessary to keep them in proper Bounds and due Order; and for a more speedy Method to bring them to Justice than is prescribed by the Laws heretofore made: Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That if any Slave or Slaves, shall at any Time consult, advise, conspire, or attempt to raise any Insurrection within this Province, or to Murder or Poison any Person or Persons whatsoever, or to commit a Rape upon any White Woman, or to Burn any House or Houses, and be thereof convict by Confession or Verdict, or who shall of Malice stand Mute, or peremptorily Challenge above the Number of Twenty Jurors, shall suffer Death, as in Cases of Felony, without Benefit of Clergy. Punishment of Slaves convict of Insurrection, Murder, or Poison, or Ravishing a White Woman, or Burning Houses, *&c.*

III. **And be it further Enacted**, That any Slave who shall attempt to Burn any Dwelling-house, or Out-house contiguous to, or used with, any Dwelling-house, or any other House, wherein there shall be any Person or Persons, or any Goods, Merchandizes, Tobacco, *Indian* Corn, or other Grain, or Fodder, and shall be thereof convict as aforesaid, shall suffer Death as a Felon, without Benefit of Clergy. Attempting to burn Dwelling Houses, or Out Houses contiguous thereto, *&c.*

IV. **And be it further Enacted**, That every Slave committing any of the Felonies herein before mentioned, or any other Offence, which may by Law subject such Slave to the Pains of Death, shall be committed to the Sheriff of the County where the Offence shall be committed; and that at the next Assizes, or County Court, which shall first happen, to be held for the County where the Offence shall be committed, the Justices of Assize, or either of them, or County Court, which shall first happen, shall and may, by virtue of Slaves committing Felonies, punishable by Death, to be tried at the next Assize or County Court.

CHAP. XIV.

of this Act, Try every ſuch Offender or Offenders according to Law; and upon the Conviction of the Offender or Offenders, upon his, her, or their voluntary Confeſſion, or the Verdict of a Jury, upon the Teſtimony of one or more legal or credible Witneſs or Witneſſes, or even the Teſtimony, or the Evidence of other Slaves, corroborated with ſuch pregnant Circumſtances as ſhall convince and ſatisfy the Jury who ſhall try the Fact, of the Guilt of ſuch Slave or Slaves, to give Judgment according to the Nature and Quality of the Offence.

Teſtimony of other Slaves in what Manner to be received.

Giving falſe Teſtimony in ſuch Caſes, how puniſhable.

V. **And be it further Enacted,** That any Slave or Slaves, who ſhall give any falſe Teſtimony againſt any Slave or Slaves who ſhall be Proſecuted as aforeſaid, and ſhall be thereof legally convict, ſhall have one Ear cut off on the Day of his or her Conviction, and receive Thirty-nine Stripes on the bare Back; and that the other Ear ſhall be cropped the next Day, and the like Number of Stripes given the Offender on his or her bare Back.

Shall be admoniſhed by the Court, when produced as Witneſſes.

VI. **And** to the End, that ſuch Slave or Slaves as ſhall be produced as a Witneſs or Witneſſes againſt other Slave or Slaves, may be deterred from giving falſe Teſtimony; **Be it Enacted,** That the Juſtices of Aſſize, or either of them then ſitting, or the Juſtice of the County Court who ſhall preſide, ſhall admoniſh and charge ſuch Witneſs or Witneſſes to declare the Truth, the Whole Truth, and Nothing but the Truth; and acquaint him, her, or them, with the Danger and Conſequence of giving falſe Teſtimony.

On Condemnation ſhall be valued by the Court, and the whole paid to the Owner.

VII. **And be it further Enacted,** That when any Slave ſhall be condemned to ſuffer Death, that ſuch Slave ſhall be valued by the Juſtices of Aſſize, or either of them then preſent, or County Court, according to the beſt of their Knowledge; which ſaid whole Value ſhall be paid by the Treaſurer of the reſpective Shore on which ſuch Execution ſhall be, on the Certificate of ſuch Sheriff, out of the Public Stock of this Province in the Hands of ſuch Treaſurer, without Fee or Reward, to the Maſter or Owner of ſuch Slave, in caſe the ſaid Slave be actually Executed.

How puniſhable by the County Court for Night-Rambling, &c.

VIII. **And be it further Enacted,** That where any Slave ſhall be guilty of rambling, riding, or going abroad in the Night, or riding Horſes in the Day-time without Leave, or Running away, it ſhall and may be lawful for the Juſtices of the County Court, and they are hereby obliged, upon the Application or Complaint of the Maſter or Owner of ſuch Slave, or to his, her, or their Order, or on the Application or Complaint of any other Perſon who ſhall be any Ways damnified or injured by ſuch Slave, immediately ſuch Slave to puniſh by Whipping, Cropping, or Branding in the Cheek with the Letter R, or otherwiſe, not extending to Life or to render ſuch Slave unfit for Labour.

Perſons Killing any Slave refuſing to ſurrender, &c. ſhall be indemnified.

Slaves ſo Killed, in what Manner to be valued.

The whole Value to be paid by the Public to the Owner.

IX. **And be it likewiſe Enacted,** That if any Slave ſhall happen to be Slain for refuſing to ſurrender him or herſelf, contrary to Law, or in unlawful reſiſting any Officer, or other Perſon, who ſhall apprehend or endeavour to apprehend ſuch Slave or Slaves, and ſuch Officer, or other Perſon, ſo Killng ſuch Slave as aforeſaid making Reſiſtance, ſhall be, and he is by this Act, indemnified from any Proſecution for ſuch Killing aforeſaid: And that in every ſuch caſe, ſuch Slave or Slaves ſhall be valued by Two reputable Perſons, not being of Kin to the Maſter or Owner of ſuch Slave, upon Oath to be adminiſtered unto them, and to be appointed by the then neareſt Magiſtrate, "Well and truly to Value what ſuch Slave was Worth, to the beſt of "their Knowledge, without Favour or Partiality;" and that the whole Value of ſuch Slave or Slaves, ſhall be certified by ſuch Perſons to ſuch Magiſtrate; and that the ſame ſhall be paid to the Owner or Owners of ſuch Slave or Slaves, or to his, her, or their Order, by the Treaſurer of the reſpective Shore of this Province on which the ſame Death happened, upon a Certificate

tificate from the said Magistrate of the Death and Value of such Slave or Slaves, out of the Public Stock of this Province, in the Hands of such Treasurer, without Fee or Reward. CHAP. XIV.

[1] By 1753, *ch.* 26, the Persons so Killing, shall not hereby be exempted from undergoing a legal Trial: But if it appear upon Evidence, that such Killing was done in the lawful Execution of this Act, then such Person shall not only be acquitted, but also the Public of this Province shall pay all the Costs and Charges of such Prosecution.

Penalty on Free Persons enticing, &c. any Slave to Run away;

X. **And be it further Enacted**, That if any Free Person shall entice and persuade any Slave within this Province to Run away, and who shall actually Run away from the Master, Owner or Overseer, and be convicted thereof, by Confession, or Verdict of a Jury upon an Indictment or Information, shall forfeit and pay the full Value of such Slave to the Master or Owner of such Slave, to be levied by Execution on the Goods, Chattels, Lands or Tenements of the Offender; and in case of Inability to pay the same, shall suffer One Year's Imprisonment without Bail or Mainprize. And that if any White Servant shall entice or persuade any such Slave to Run away, and who shall actually Run away, that the Offender, shall, after the Expiration of his Time of Servitude, become a Servant to the Master or Owner of such Slave, for and during the Term of Four Years, or satisfy and pay to the Master or Owner, the Value of such Slave; to be adjudged, in either case, at the Trial, by the Court before whom the Fact shall be tried; and that the Fact may be tried either in the County where the Offences shall be committed, or where the Offender or Offenders shall be taken or apprehended.

on any white Servant guilty of the same,

where to be tried.

Sheriffs to read this Act the 2d Day of each Court, on Penalty of 5*l.*

XI. **And** to the End this Act may be known by all sort of People; **Be it Enacted**, *by the Authority aforesaid*, That the several Sheriffs within this Province, shall read, or cause this Act to be read, at the Court-house Door, on the Second Day of each of the Four County Courts, in every Year during the Continuance of this Act, on Pain of forfeiting Five Pounds Current Money for every Neglect, to be recovered as aforesaid, with Costs of Suit, by Indictment or Information, in the Court of the County where such Neglect shall happen, and be applied to defray the County Charge.

No condemned Slave to be paid for, who was not an Inhabitant at the Time of the Fact.

XII. **Provided always**, That where any Money shall be paid by virtue of any Act or Acts of this Province, for any Slave or Slaves who shall Die in Goal after Sentence, or shall be Executed; **It is hereby Declared and Enacted**, That such Payment shall be made for such Slave or Slaves who were actual Inhabitants within this Province, at the Time such Fact committed, and not otherwise.

Continuance.

XIII. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the End of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1754, *ch.* 11; and 1757, *ch.* 26.

CHAP. XV.

An ACT to establish the Special Court Records of *Anne-Arundel* County. *Lib.* B.L.C. *fol.* 538.

Passed 8th *June* 1751.

See 1705, *ch.* 1; 1719, *ch.* 16; and 1723, *ch.* 20.

Preamble, reciting the Act of 1705, *ch.* 1.

WHEREAS by one Act of Assembly of this Province, entitled, *An Act for the Relief of* Anne-Arundel *County, and all Persons concerned in the Records thereof lately Burnt*, made at a Session of Assembly begun and held at the Town and Port of *Annapolis*, the Fifteenth Day of *May*, *Anno Domini* One Thousand Seven Hundred and Five, a Commission issued to several Commissioners therein named, to hear and determine all Differences, Claims, and Demands whatsoever, between any the Inhabitants, or other Persons interested in the Lands lying within the County aforesaid; and that

CHAP. XV.

that the Judgments and Determinations, which ſhould be by them made between Party and Party, by Authority of the ſame Act, ſhould be Recorded in a fair Book or Books, to be provided for that Purpoſe; and every ſuch Judgment and Determination ſhould be Signed by Three or more of the ſaid Commiſſioners; which Book or Books, when perfected, were by the ſaid Act directed to be placed and intruſted with the Clerk of *Anne-Arundel* County, among the Records of the ſaid County, that all Perſons concerned might repair to view the ſame. And whereas it appears to this General Aſſembly, that there are in the Office of the Clerk of *Anne-Arundel* County, among the Records of the ſame County, Five Books of the Proceedings and Judgments of the ſaid Commiſſioners, containing Deeds, and other Matters, relating to the Real Eſtates and Intereſt, as well of many of the Inhabitants of the ſame County, as of divers other Perſons; and which Books appear to be fair and clear in the reſpective Entries, and have for Forty Years laſt paſt, and upwards, been taken and deemed as authentic Records within this Province. And it further appears to this General Aſſembly, That the Meetings of the ſaid Commiſſioners were regularly entered in the ſaid Records, and the Names of the Commiſſioners at all ſuch Meetings entered by the Clerk of the ſame Court; but that, agreeable to the Letter of the ſaid Act, Three or more of the ſaid Commiſſioners have not Signed the reſpective Judgments in the Books aforeſaid. In order therefore to remove any Doubts which may hereafter ariſe, concerning the Validity of the Proceedings in the ſaid Books of Record contained, and the better to eſtabliſh the ſame, it is humbly prayed that it may be Enacted;

The ſpecial Records, and all Judgments, *&c.* therein entered, are confirmed.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the ſaid Five Books of Records of the Commiſſioners, appointed by Commiſſion in virtue of the ſaid Act, entitled, *An Act for the Relief of* Anne-Arundel *County, and all Perſons concerned in the Records thereof lately Burnt*, and the ſeveral Judgments, Deeds and Proceedings in them entered, ſhall be held, deemed, adjudged, conſtrued and taken, as good and effectual in Law, as Records, to all Intents, Conſtructions, and Purpoſes, as if the ſame Judgments, and every of them, had been Signed by Three or more of the ſaid Commiſſioners ſo appointed as aforeſaid, or the Notice directed by the ſaid recited Act had been given; ſuch Omiſſion, or any Law, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVI.

Paſſed 8th *June* 1751.

An ACT to aid the Title of Purchaſers of Lots in *Princeſs-Anne* Town in *Somerſet* County. *Lib.* B.L.C. *fol.* 539.

A Supplementary Act 1753, *ch.* 33.

WHEREAS there hath been heretofore, in purſuance of an Act of Aſſembly, Twenty-five Acres of Land, then ſuppoſed to be the Right of one *David Brown*, ſituate in *Somerſet* County, laid out into Thirty Lots, excluſive of the Public Ground, and Erected into a Town called by the Name of *Princeſs-Anne* Town; many of which Lots have been ſince taken up, and well improved, and others ſecured though not yet built on; and the Court-houſe, Priſon, and one of the Inſpection-houſes for the ſaid County, placed on the ſaid Public Ground in the ſaid Town. And whereas ſome Doubt hath ariſen concerning the Title of the ſaid Lots, which are ſuppoſed to be Eſcheat unto the Right Honourable the Lord Proprietary: For aiding whereof, it is prayed that it may be Enacted;

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes*

Houses of Assembly, and the Authority of the same, That where any Person or Persons have taken up or purchased, or that shall hereafter take up or purchase, any Lot or Lots, Part or Parcel of a Lot or Lots in the said Town, and that shall pay, or cause to be paid, for the Use of the said Lord Proprietary, the Sum of Twenty Shillings Sterling Money, in Silver or Gold, for every such Lot, and so in Proportion for a less Part of a Lot, to the Clerk of the said County, for the Time being, who is hereby directed and impowered to receive, and he is hereby required to transmit the same to the Agent of the said Lord Proprietary, for the Time being; and to give the Party or Parties paying the said Money, a Receipt for the same, and to enroll the said Receipt amongst the Records of the County Court; for which Services the Clerk shall take and receive of the Owner or Owners thereof, the Sum of Two Shillings and Six-pence Current Money, and no more: Which Sterling Money being paid as aforesaid, for the Use of the said Lord Proprietary in Manner aforesaid, and the Receipt or Receipts enrolled as aforesaid, shall invest the Owner or Owners of such Lot or Lots, or Part of a Lot, with a pure, absolute and indefeasible Estate of Inheritance in Fee-simple, of, in, and to such Lot or Lots, or Part of a Lot, with the Appurtenances so taken up and purchased as aforesaid. CHAP. XVI.

III. **And be it likewise Enacted**, That the Justices of the said County, paying for the Use of the said Lord Proprietary the Sum of Twenty Shillings Sterling Money in Manner aforesaid, for the Public Ground aforesaid, and the Clerk of the said County, giving a Receipt, and enrolling the same in like Manner, shall invest the Justices aforesaid, for the Use of their County for ever, with a pure, absolute and indefeasible Estate of Inheritance, in Fee-simple, of, in, and to the said Public Ground, with the Appurtenances thereunto belonging.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XVII.

An Act continuing an Act, entitled, [k] *An Additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves. Lib.* B.L.C. *fol.* 540. *EXP.* Passed 8th *June* 1751.

[k] 1748, *ch.* 19, hereby continued 3 Years, *&c.*

CHAP. XVIII.

An Act continuing an Act, entitled, [l] *An Act to exempt Persons appearing at Musters from Arrests in Civil Cases. Lib.* B.L.C. *fol.* 540. *EXP.* Ditto.

[l] 1748, *ch.* 1, hereby continued 3 Years, *&c.*

CHAP. XIX.

An Act continuing an Act, entitled, [m] *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse-Races, near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes, and other Slaves, during the said Meetings. Lib.* B.L.C. *fol.* 541. *EXP.* Ditto.

[m] 1747, *ch.* 17, hereby continued 3 Years, *&c.*

CHAP. XX.

An ACT to oblige the Naval Officers to give sufficient Bonds for what Monies they shall receive belonging to the Public. *Lib.* B.L.C. *fol.* 541. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all and every Naval Officer of this Province, shall, on or before the Tenth Day of *November, Anno Domini* Seventeen Hundred and Fifty-one, give Bond, with Two sufficient Sureties, to be approved by the Governor, or Commander in Chief, for the Time being, payable to the Right Honourable the Lord Proprietary Naval Officers to give Bond, with Sureties, by the 10th *Nov.* 1751, in 1000 *l.* Sterling.

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prietary of this Province, in the Sum of One Thouſand Pounds Sterling Money, for the Uſe of the Public of this Province, before a Provincial Magiſtrate, Conditioned, "That he the ſaid Naval Officer will, during his Con-

Condition.

"tinuance in the ſaid Office, tranſmit to the Truſtees reſiding at *London*, for "the Time being, agreeable to the Directions of an Act, entitled, *An Act* "*for emitting and making Current Ninety Thouſand Pounds Current Money of* "Maryland, *in Bills of Credit*, good Bills of Exchange; and Account for, "and Pay to, the Treaſurer or Treaſurers for the Time being, from Time "to Time, the ſeveral Sums of Money which he the ſaid Naval Officer ſhall "receive by the Laws of this Province, on Account of the Public;" which

Not to be affected by the Act of Limitation, and lodged with the Clerk of the Council.

Obligation or Obligations ſhall be no ways affected by the Act of Limitations; any Law, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding. Which ſaid Juſtice or Juſtices, taking ſuch Bond as aforeſaid, ſhall be, and he or they are hereby directed and obliged, to lodge ſuch Bond or Bonds with the Clerk of the Council for the Time being, in the Council Office, there to be kept.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXI.

Paſſed 8th *June* 1751.

An Act for Erecting a new Market-houſe in the City of Annapolis. *Lib.* B.L.C. *fol.* 542.

N. B. By this Act, the Corporation was impowered to expoſe to Sale, the preſent Market-houſe (See 1728, *ch.* 9,) and Piece of Ground whereon it ſtands, for the beſt Price that could be gotten, and the ſame to convey, in Fee, to the Purchaſer, under the Corporation Seal: The Money thereby ariſing to be applied towards purchaſing another Piece of Ground within the City, and erecting thereon a new Market-houſe for the Uſe of the ſaid City.

CHAP. XXII.

Ditto.

An Act to impower the Juſtices of Prince George's *County Court, to treat with* Anne Darnall, *Widow, for her Claim of Dower to the Land on which that County Court-houſe is built; and other Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 542.

CHAP. XXIII.

Ditto.

An Act to enable the Veſtry-men and Church-wardens of Coventry *Pariſh, lying partly in* Somerſet *and* Worceſter *Counties, to purchaſe Two Acres of Land, at ſome Place between* Dividing *and* Naſſiango *Creeks in* Worceſter *County, fit and convenient to build a Chapel of Eaſe on: And to aſſeſs the Pariſhioners of the ſaid Pariſh with a certain Sum of Current Money for compleating the ſame. Lib.* B.L.C. *fol.* 543.

CHAP. XXIV.

Ditto.

An Act to repeal Part of an Act, entitled, [a] *An Act to encourage the deſtroying of Squirrels and Crows, in the ſeveral Counties therein mentioned. Lib.* B.L.C. *fol.* 545.

[a] 1750, *ch.* 22, which being Temporary, is ſince Expired.

CHAP. XXV.

Ditto.

An ACT for Laying out and Erecting a Town on *Patowmack* River, above the Mouth of *Rock* Creek in *Frederick* County. *Lib.* B.L.C. *fol.* 545.

Preamble.

WHEREAS ſeveral Inhabitants of *Frederick* County, by their humble Petition to this General Aſſembly, have ſet forth, That there is a convenient Place for a Town on *Patowmack* River, above the Mouth of *Rock* Creek, adjacent to the Inſpection Houſe in the County aforeſaid; and prayed, that Sixty Acres of Land may be there Laid out and Erected into a Town.

Commiſſioners impowered to lay out 60 Acres into 80 Lots,

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That Capt. *Henry Wright Crabb,* Maſter *John Needham,* Maſter *John Clagett,* Maſter *James Perrie,* Maſter *Samuel Magruder* the Third, Maſter *Joſias Bealle,* and Maſter *David*

David Lynn, ſhall be, and are hereby, appointed Commiſſioners for *Frederick* County aforeſaid; and are hereby authorized and impowered, as well to Buy and Purchaſe Sixty Acres, part of the Tracts of Land belonging to Meſſieurs *George Gordon* and *George Bell*, at the Place aforeſaid, where it ſhall appear to them, or the major Part of them, to be moſt convenient as to Survey and Lay out, or cauſe the ſame to be Surveyed and Laid out, in the beſt and moſt convenient Manner, into Eighty Lots, to be Erected into a Town.

and to purchaſe the Land by Agreement or Valuation of a Jury.

III. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the Commiſſioners aforeſaid before nominated and appointed, or the major Part of them, are hereby impowered and required, at ſome Time, by them or the major Part of them, to be appointed, before the Firſt Day of *October* next, to meet together on the Land aforeſaid, or at ſome other Place near and convenient thereto, and then and there Treat and Agree (if the ſame can be done on reaſonable Terms) with the Owner or Owners, and Perſon or Perſons, intereſted in the ſame Sixty Acres of Land, for the Purchaſe thereof. And if it ſhall happen, that the ſaid Owner or Owners, Perſon or Perſons, will not Agree with the ſaid Commiſſioners for ſuch Rate or Price as they the ſaid Commiſſioners, or the major Part of them, ſhall think Reaſonable, or ſhall refuſe to make Sale of the ſame; or that through Non-age, Coverture, or any other Diſability or Impediment, ſhall be diſabled to make ſuch Sale, that then and in any ſuch Caſe, the Commiſſioners aforeſaid, or the major Part of them, ſhall, and are hereby impowered and required, to iſſue a Warrant under their Hands and Seals, directed to the Sheriff or Coroner of *Frederick* County aforeſaid for the Time being, commanding him to Summon and Impannel a Jury of Seventeen good and lawful Men, Freeholders of his Bailiwick, to be and appear at the Day and Place in ſuch Warrant to be mentioned; which Sheriff is hereby required and obliged to execute the ſame: And that Jury, being by the ſaid Commiſſioners Charged and Sworn, ſhall, upon their Oath, enquire, aſſeſs, and return, what Damages or Recompence they ſhall think fit to be paid and given to ſuch Owner or Owners, Perſon or Perſons, for the Sixty Acres of Land aforeſaid; and that whatever Sum or Sums of Money ſuch Jury ſhall ſo aſſeſs and award, ſhall, and is hereby declared to be the Value and Price to be paid to ſuch Owner or Owners, Perſon or Perſons, intereſted in the Sixty Acres of Land aforeſaid. But if the ſaid Jury ſhall aſſeſs and value the ſaid Land at a leſs Price than Fifty Shillings Current Money for each Acre, then in ſuch Caſe, the Purchaſer or Purchaſers of ſuch Land ſhall pay ſuch further Sum, over and above what ſhall be the Valuation of the ſaid Jury, as ſhall make up the full Sum of Fifty Shillings like Money as aforeſaid for every Acre, to be paid to ſuch Proprietor or Proprietors as aforeſaid.

The Lots to be Surveyed, Divided, Marked, and Numbered.

IV. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That after the Agreement and Purchaſe of the Commiſſioners aforeſaid, or after the Aſſeſſment and Return of the Jury aforeſaid, as the Caſe ſhall happen, the aforeſaid Commiſſioners, or the major Part of them, ſhall, and are hereby required to, cauſe the ſame Sixty Acres of Land to be carefully Surveyed, Divided, and Laid out, by the Surveyor of the County aforeſaid, or ſuch other Perſon as they, or the major Part of them, ſhall make choice of and appoint for that Purpoſe, as near as conveniently may be into Eighty equal Lots, allowing ſuch ſufficient Space or Quantity thereof for Streets, Lanes, and Alleys, as to them ſhall ſeem meet; and the ſame Lots ſo Laid out, ſhall Number with Numbers, One, Two, and Three, and ſo to Eighty, for diſtinguiſhing each Lot from the other; and ſhall cauſe the Streets, Lanes, and Alleys to be named and diſtinguiſhed by certain Names, and by good ſufficient Cedar or Locuſt Poſts to be ſet up as a Boundary to each of them.

V. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the Commiſſioners, or the major Part of them, ſhall, and are hereby

CHAP. XXV.

Commissioners to ascertain the Price of the Lots.

hereby required, to assess, set, and ascertain the Price to be paid for each of the Lots aforesaid, according to the Value, Conveniency and Situation thereof; so always that the Prices of all the said Lots, added together, may amount to the Sum by them Agreed for, or Awarded by the Jury, for the aforesaid Sixty Acres of Land, and no more. And the aforesaid Sixty Acres of Land being so Surveyed, Laid out, and Divided, shall be, and is hereby Erected into a Town, and shall be called by the Name of *George-Town*.

The Town to be called *George-Town*.

Owners of the Land to have Choice of two Lots.

VI. **And be it further Enacted**, That the Owner or Owners of the aforesaid Land, shall and may have his, her, or their Choice of any Two of the Lots aforesaid, to be by him, her, or them retained, for his, her, or their proper Use; Provided such Choice shall be made and declared to the Commissioners aforesaid, or the major Part of them, within Ten Days after the Survey aforesaid shall be made and compleated, and not otherwise; and that after such Choice is made, or in case no such Choice shall be made within the Ten Days aforesaid, then after the Expiration of the same Ten Days, all Persons whatsoever shall be at Liberty to take up and purchase the same Lots, paying the Owner or Owners aforesaid, or others therein Interested, the Price or Value thereof so as aforesaid set and assessed by the Commissioners aforesaid; and that every Person who shall pay as aforesaid the Price of the Lot by him or her so taken up or chosen, or shall prove to the Satisfaction of the said Commissioners, or the major Part of them, that he or she had tendered or offered to pay the said Price to the Owner or Owners aforesaid, and that such Owner had refused to accept or receive the same, and an Entry of such Payment or Tender and Refusal being made according to the Directions hereafter mentioned, such Person shall, and is hereby declared to be, by virtue of such Payment or Tender and Refusal, and Entry thereof made as aforesaid, and this Act, fully and absolutely invested and seized of and in an Estate of Inheritance in Fee-simple of and in such Lot, to him or her, and his or her Heirs and Assigns for ever, without any Deed, Conveyance, or other Transfer from such Owner or Owners for the same; any Statute, Law, Usage, or Custom, to the contrary notwithstanding.

Lots how to be taken up, entered and paid for by others.

VII. **Provided always**, That it shall not be lawful for any Person to take up, enjoy, have, or possess more than one of the same Lots, within Twelve Months after the same are divided and laid out as aforesaid; Provided also, That all and every the Person and Persons aforesaid so taking up the Lots aforesaid, or any of them, shall, and are hereby obliged and required, within Two Years after they shall take up their respective Lots as aforesaid, and Entry thereof made as aforesaid, to erect, build, and finish thereon One good and substantial House, that shall cover Four Hundred square Feet of Ground at the least, and that it be made in every respect Tenantable, with One good Brick or Stone Chimney thereto; and that all and every of such Taker or Takers-up, who shall neglect to build as aforesaid on their respective Lots aforesaid, within the Time herein for that Purpose limited and appointed, shall lose such; and the Estate of such Taker-up so neglecting as aforesaid, shall from henceforth cease and determine, and such Lot or Lots so neglected to be built upon, shall be subject to be again taken up by any other Person whatsoever; which second Taker-up, paying to the Commissioners aforesaid, the Price thereof so as aforesaid assessed, and Entry thereof made as aforesaid, and building thereon as before directed within the Time before limited after such second Taking up, shall have the like Estate in such Lot or Lots as the first Takers-up, who shall comply with the Requisites before mentioned are herein before declared to have; and so *toties quoties*, until the same Lots shall be built on and improved as aforesaid.

What Improvements shall be made on Lots so taken up,

or the Lots to be forfeited;

and subject to be taken up by others, and paid for to the Commissioners.

Such Money how to be applied.

VIII. **And be it further Enacted**, That the Money aforesaid, directed to be paid to the Commissioners aforesaid, for the Lots not built on and improved by the first or other Takers-up within the Time herein limited, shall and

is

is hereby directed to be applied to ſuch Purpoſes, for the Uſe and Benefit of the ſaid Town, as to the ſaid Commiſſioners, or the major Part of them, ſhall ſeem meet. CHAP. XXV.

IX. **And be it further Enacted,** *by the Authority aforeſaid,* That the Surveyor of the County aforeſaid, or any other Perſon whom the Commiſſioners aforeſaid, or the major Part of them, ſhall appoint to Survey and Lay out the Lands aforeſaid, as before herein directed, ſhall make out a fair and exact Plat of the Town aforeſaid, and Survey thereof, whereby each Lot, Street, Lane and Alley, may appear to be well diſtinguiſhed by their reſpective Numbers and Names; and the ſame Plat, with a full and plain Certificate thereof, ſhall deliver to the Commiſſioners as aforeſaid, or the major Part of them, to be entered and repoſited as hereafter directed: And that the ſaid Surveyor, or other Perſon appointed as aforeſaid, ſhall have and receive for Surveying and Laying out the Town aforeſaid, and making the Plat aforeſaid, the Sum of One Thouſand Pounds of Tobacco, to be paid and allowed in the County Levy, and no more. The Surveyor to make out two Plats of the Town: His Fee.

X. **And be it further Enacted,** *by the Authority aforeſaid,* That the Commiſſioners aforeſaid, or the major Part of them, ſhall, and are hereby required, to employ ſome ſufficient Perſon for their Clerk, and ſhall adminiſter an Oath to ſuch Clerk for the due Performance of his Office; which Clerk ſhall, and is hereby obliged to, find and provide a good well bound Book, for Regiſtring and Entering the Proceedings of the ſaid Commiſſioners in the Premiſes, and ſhall duly and faithfully Regiſter and Enter in ſuch Book the Certificate of the Survey aforeſaid, the Prices of each reſpective Lot, the Name of the Owner, and the Time of it's being taken up and paid for, or of the Tender or Refuſal as aforeſaid, and all other the Tranſactions and Proceedings of the aforeſaid Commiſſioners whatſoever, in and about the Town aforeſaid; Which ſaid Regiſter, together with the Plat or Survey of the ſame Town, ſhall be carefully examined and inſpected by the aforeſaid Commiſſioners, or the major Part of them, and after the ſame is compleated, ſhall be lodged with, and delivered to, the Clerk of the ſame County, to be by him kept amongſt the Records of the ſame County. The Commiſſioners to appoint a Clerk. His Duty.

XI. **And be it further Enacted,** That the ſaid Commiſſioners, or the major Part of them, ſhall limit and aſcertain what Fees their Clerk aforeſaid ſhall have and receive, for the ſeveral Services by him to be done by virtue of this Act, to be paid by the ſeveral Perſons taking up the Lots aforeſaid. His Fees how to be aſcertained.

XII. **And whereas** it may be advantageous to the ſaid Town to have Fairs kept therein, and may prove an Encouragement to the back Inhabitants, and others, to bring Commodities there to Sell and Vend; **Be it Enacted,** That it ſhall and may be lawful for the Commiſſioners of the ſaid Town, to appoint Two Fairs to be held therein annually, the one Fair to begin on the Second Thurſday in *April,* and the other on the Firſt Thurſday in *October,* annually; which ſaid Fairs ſhall be held each for the Space of Three Days; and, that during the Continuance of ſuch Fair or Fairs, all Perſons within the Bounds of the ſaid Town ſhall be Privileged and Free from Arreſts, except for Felony, or Breach of the Peace; and all Perſons coming to ſuch Fair or Fairs, or returning therefrom, ſhall have the like Privilege of One Day before the Fair, and One Day on their Return therefrom: And the Commiſſioners for the ſaid Town, are hereby impowered to make ſuch Rules and Orders for the Holding the ſaid Fairs, as may tend to prevent all Diſorders and Inconveniencies that may happen in the ſaid Town, and ſuch as may tend to the Improvement and Regulating of the ſaid Town in general; ſo as ſuch Rules, except in Fair-Time, affect none but Livers in the ſaid Town, or ſuch Perſon or Perſons as ſhall have a Lot or Freehold therein; any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding. **Provided always,** That Two annual Fairs to be held.

ſuch

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ſuch Rules and Orders be not inconſiſtent with the Laws of this Province, nor the Statutes or Cuſtoms of *Great-Britain*.

Commiſſioners impowered to remove Nuſances.

XIII. **And be it further Enacted**, That the Commiſſioners for the ſaid Town, or the major Part of them, from Time to Time, and at all Times, ſhall have Power to remove all Nuſances that they ſhall find in any of the Streets or Alleys of ſaid Town. **Provided nevertheleſs**, That this Act, nor any Thing herein contained, ſhall extend, or be conſtrued to extend, to enable or capacitate the ſaid Commiſſioners or Inhabitants of the ſaid Town, to elect or chooſe Delegates, or Burgeſſes, to ſit in the General Aſſembly of this Province as Repreſentatives of the ſaid Town; **But it is hereby Enacted**, That the Commiſſioners or the Inhabitants of the ſaid Town ſhall not elect or chooſe any Delegate or Delegates, Burgeſs or Burgeſſes, to Repreſent the ſaid Town in any General Aſſembly of this Province.

But the Town is not hereby enabled to ſend Delegates to the Aſſembly.

Succeſſion of the Commiſſioners provided for.

XIV. **And be it further Enacted**, That when and as often as any of the Commiſſioners aforeſaid ſhall die, or remove from the County aforeſaid, or refuſe or neglect to join in the Execution of this Act, then, and in any ſuch Caſe, the major Part of the other Commiſſioners aforeſaid, ſhall chooſe others, in the Place of ſuch who ſhall die, refuſe, remove, or neglect as aforeſaid; and ſuch Perſon or Perſons ſo choſen, ſhall have equal Power to Act as the other Commiſſioners herein mentioned.

Quit Rents payable on each Lot.

XV. **And be it further Enacted**, *by the Authority aforeſaid*, That all and every Perſon and Perſons Taking up and Poſſeſſing the Lots aforeſaid, or any of them, ſhall be, and are hereby obliged to pay unto the Right Honourable the Lord Proprietary, his Heirs or Succeſſors, the yearly Rent of One Penny Sterling Money for each reſpective Lot by them ſo taken up and poſſeſſed, to be paid in the ſame Manner as his Land-Rents in this Province now are, or hereafter ſhall be paid.

A Saving of Rights.

XVI. Saving unto his moſt Sacred Majeſty, his Heirs and Succeſſors; the Right Honourable the Lord Proprietary, his Heirs and Succeſſors; and to all Bodies Politic and Corporate; and all Perſons not mentioned in this Act, their ſeveral and reſpective Rights; any Thing in this Act to the contrary notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, the 7th Day of *December*, in the 1ſt Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 14th Day of the ſame Month, *Anno Domini* 1751: The following Laws were Enacted.

SAMUEL OGLE, Eſq; Governor.

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An Act for the dividing of certain Warehouſes in Talbot *County, therein named.* Paſſed 14th Dec. 1751.
Lib. B.L.C. *fol.* 551. *EXP.*
To continue in Force till the 1ſt *December* 1753.

CHAP. XXVII.

An ACT for the Continuation of Actions, and Securing the Peace and Good Government of this Province. *Lib.* B.L.C. *fol.* 552. Ditto.

WHEREAS many Writs, Precepts, Proceſs and Judicial Proceedings have been iſſued, had and executed, and ſeveral Courts of Judicature have been held in the Province, in the Name and Stile of the late Right Honourable *Charles*, Lord Proprietary, ſince his Death or Demiſe; and the ſeveral Judges, Juſtices, Magiſtrates, and Miniſters of Juſtice, and alſo the Officers and other Perſons within this Province, Commiſſionated by the ſaid late Proprietary, or his Lieutenant-Governor, for the Time being, not knowing that the ſaid late Proprietary had departed this Life, have, ſince the Death or Demiſe of the ſaid late Proprietary, under and in virtue of their ſaid reſpective Commiſſions, and the Authority of the ſame, done, acted, and performed ſuch Duties and Services, and other Matters and Things, as appertain and properly belong to their reſpective Functions, Offices and Stations: And for that it is the Intent of this General Aſſembly, that no Diſappointment or Inconvenience whatſoever, ſhould happen or ariſe to any Suitors by Diſcontinuance, or other Error or Cauſe of Exception, by Means or Occaſion of the Death or Demiſe of the ſaid late Lord Proprietary, or his Name and Stile being uſed, obſerved, and purſued in ſuch Writs, Precepts, Proceſs, and Judicial Proceedings, or any Cenſure, Damage, Loſs, or Inconvenience whatſoever, ſhould happen or ariſe to the ſaid Judges, Juſtices, Magiſtrates, and Miniſters of Juſtice, or the Officers or Perſons Commiſſionated by the ſaid late Proprietary, or his ſaid Lieutenant-Governor, for having exerciſed, done, put in practice, or performed, any Matter, Thing, Act, Service, or Duty whatſoever, properly belonging or appertaining unto their reſpective Functions, Offices, and Stations, ſince the aforeſaid Death or Demiſe of the ſaid late Proprietary. And whereas it is neceſſary to the Peace and Welfare of this Province, that upon any emergent Occaſion, ſome Perſon or Perſons reſiding within this Province, ſhould be ſufficiently authorized and impowered to call and ſummon the General Aſſembly of this Province, for the Providing, Eſtabliſhing, and Enacting of good and ſalutary Laws, which, by the undoubted Conſtitution of this Province, can't be Made, Ordained, Eſtabliſhed, or Enacted, but by and with the Conſent of the Freemen of this Province, by their ſeveral and reſpective Delegates and Repreſentatives legally called together and aſſembled by the Lord Proprietary, for the Time being, or ſome other Perſon or Perſons by him for that End and Purpoſe properly conſtituted, Preamble,

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conſtituted, authorized, and appointed. And whereas it is alſo neceſſary, for the good Rule and Government of this Province, that Juſtice ſhould be always adminiſtered, the Laws executed, and the Public Services of the Province conſtantly performed;

All Proceſs and Judicial Proceedings ſince the Death of the late Lord Proprietary, are confirmed.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Pleas, Actions, Suits, and other Proſecutions and Proceedings whatſoever, in any Court of Judicature within this Province, that were commenced or depending before or ſince the Death or Demiſe of the aforeſaid late Lord Proprietary, and which either have been determined, or ſtill depend and continue undetermined, ſhall be, and are hereby deemed as effectually Determined or Continued, to all Intents, Purpoſes, and Conſtructions whatſoever, as if no ſuch Death or Demiſe had happened; any Defect or Error in ſuch Proceedings, occaſioned only by the Death or Demiſe of the ſaid late Proprietary, or his Name and Stile being uſed or obſerved in ſuch Writ, Precepts, Proceſs, and Judicial Proceedings, or any Want of Authority in the aforeſaid ſeveral Courts, by Means or Occaſion of the Death or Demiſe of the ſaid late Proprietary notwithſtanding.

III. **And be it further Enacted**, That the Proceedings of the ſeveral Courts of Judicature within this Province, until this Time, be, and are hereby confirmed, ſo that no Advantage ſhall be taken of any Want of Authority, Defect, or Error, in ſuch Proceedings, occaſioned by the Death only of the ſaid late Lord Proprietary; but that all ſuch Defects and Errors be, and are hereby, perfectly and effectually aided, according to the true Intent and Meaning of this Act; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

And all Official Acts of Perſons acting under his Commiſſion.

IV. **And be it further Enacted**, That every Act, Matter, or Thing whatſoever, done, executed, or performed, ſince the Death or Demiſe of the aforeſaid late Right Honourable the Lord Proprietary, by any Perſon or Perſons whatſoever, commiſſionated or appointed by the ſaid late Proprietary, or his Lieutenant-Governor, or any other Perſon or Perſons whatſoever, properly and legally authorized, conſtituted, or appointed thereto, in purſuance of their reſpective Offices or Commiſſions, ſhall be deemed, adjudged, and taken, and to all Intents, Conſtructions, and Purpoſes whatſoever, ſtand, be, and remain, as good, effectual, and available, and have the ſame Force, Strength, and Effect, as if the ſaid late Lord Proprietary had not Deceaſed or departed this Life, as to any Defect or Error, or Want of Authority, to be alleged or objected, by Means or Occaſion of his ſaid Death or Demiſe only; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

The Acts of Aſſembly which paſſed the laſt Seſſion, are confirmed.

V. **And be it likewiſe Enacted**, That the ſeveral Acts made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Fifteenth Day of *May* laſt, be, and are hereby made good and valid in Law, to all Intents, Conſtructions, and Purpoſes whatſoever, for and during the Continuance mentioned in the ſaid ſeveral and reſpective Acts; the Death or Demiſe of the ſaid late CHARLES Lord *Baltimore* notwithſtanding.

No Suit or Judicial Proceedings ſhall determine, &c. by the Death of any Lord Proprietary.

VI. **And be it further Enacted**, That from henceforth, by the Death or Demiſe of the Right Honourable the Lord Proprietary that now is, or by the Death or Demiſe of any of his Heirs or Succeſſors, who ſhall have legal Right to the Government of the ſaid Province, no Action, Suit, Bill, or Plaint, or any Proſecutions or Judicial Proceedings whatſoever, now depending, or that ſhall hereafter depend, ſhall determine, be diſcontinued, or put without Day; but that the Proceſs, Pleas, Demurrers, and Continuances, in every Action, Actions, Suits, Bills, or Plaint, which now or hereafter ſhall depend in any of the Courts within this Province, ſhall ſtand good, effectual,

effectual, and available, and be prosecuted and sued forth in such Manner and Form, and in the same State, Condition, and Order, as if such Proprietary had Lived and continued in full Life; such Death or Demise as aforesaid notwithstanding. And that all and all Manner of Process and Judicial Proceedings whatsoever, that have been, or shall hereafter be, had or pursued, in the Time of any other than the Proprietary, at the Time of the pursuit of the Original, or other former Process, shall be made in the Name of the Proprietary, for the Time being, the said Proprietary having legal Right to the Government of the said Province, after due and public Notice or Proclamation given or made of the Death or Demise of such Proprietary, by such Person or Persons as shall be properly and legally authorized and appointed thereto; and that Variance, touching the same Process, between the Names of the Proprietaries, shall not be any wise material, as concerning any Default to be alleged or objected therefore: And that all Writs, Precepts, Actions, Suits, Pleas, Process, and Judicial Proceedings whatsoever, that shall be hereafter issued, had, done, continued, or executed, in the Name of any Proprietary having legal Right to the Government of the said Province, after the Death or Demise of such Proprietary, and before due and public Notice or Proclamation thereof given and made in the respective Counties within this Province, by such Person or Persons as shall be properly and legally authorized and appointed thereto, shall be good, effectual, and available in Law, to all Intents, Constructions, and Purposes whatsoever; the Death or Demise of such Proprietary notwithstanding.

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All Process and Judicial Proceedings shall be made in the Name of the legal Proprietary, for the Time being, after Proclamation, &c. tho' originally commenced under another Proprietary; and no Variance in the Names shall cause Default.

All Process executed in the Name of any legal Proprietary, before Proclamation of his Successor, shall be good.

VII. **And be it further Enacted**, That from henceforth the Commission, Power or Authority of the Lieutenant-Governor, or Commander in Chief of this Province, for the Time being, shall not be determined or dissolved, by the Death or Demise of the Right Honourable the Proprietary that now is, or any of his Heirs or Successors, having legal Right to the Government of the said Province; but that such Lieutenant-Governor, or Commander in Chief, shall Continue and Act as such, until he shall be lawfully removed or discharged, or his Commission superseded or determined by the next Successor. And that hereafter, all Judges, Justices, Magistrates, and Ministers of Justice, and all and every Person and Persons in any of the Offices, Places, and Employments within this Province, shall Continue and Act in their respective Offices, Places, and Employments, according to their respective Functions, Duties, and Stations, notwithstanding the Death or Demise of the Right Honourable the Lord Proprietary that now is, his Heirs or Successors, until they shall be lawfully removed or discharged, or their respective Commissions superseded or determined by the next Successor, or the Lieutenant-Governor, or Commander in Chief, for the Time being; any Law, Usage, or Custom to the contrary notwithstanding.

The Power of the Governor shall not cease by the Death of the Proprietary, but he shall act as such till his Commission be determined by the next Successor.

All Judges, &c. and other Officers, shall continue to act, notwithstanding the Death of the Proprietary, till lawfully removed.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 3d Day of *June*, in the 2d Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 23d Day of the ſame Month, *Anno Domini* 1752: The following Laws were Enacted.

BENJAMIN TASKER, Eſq; Preſident.

C H A P. I.

Paſſed 23d *June* 1752.

An ACT to prevent diſabled and ſuperannuated Slaves being ſet Free; or the Manumiſſion of Slaves by any Laſt Will or Teſtament. *Lib.* B.L.C. *fol.* 555.

Preamble.

WHEREAS ſundry Perſons of this Province have ſet diſabled and ſuperannuated Slaves Free, who have either periſhed through Want, or otherwiſe become a Burthen to others: And inaſmuch as giving Freedom to Slaves, by any Laſt Will and Teſtament, may be attended with many Evils; it is therefore humbly prayed that it may be Enacted;

Slaves diſabled to Work, *&c.* ſhall not be ſet Free; but ſupported by their Owners during Life.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Preſident, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That it ſhall not be lawful for any Perſon or Perſons within this Province, to give or grant Freedom to any Slave or Slaves diſabled to Work, or gain a ſufficient Livelihood and Maintainance; but that in all ſuch Caſes, any Maſter, Miſtreſs, or Owner of ſuch Slave or Slaves, at the proper Coſt and Charge of ſuch Maſter, Miſtreſs, or other Perſon owning ſuch Slave or Slaves, ſhall Support and Maintain ſuch Slave or Slaves, during the natural Life or Lives of ſuch Slave or Slaves, in Food and Cloathing fitting and needful for ſuch Slave or Slaves; whereby he, ſhe, or they may not become a Burthen to others, or Periſh through Want, to the great Scandal of Chriſtian Society.

No Slaves ſhall be ſet Free by any verbal Order, or Will, *&c.* in the Owners laſt Sickneſs.

III. **And be it further Enacted,** That it ſhall not be lawful for any Perſon or Perſons within this Province, by any verbal Order, or by his, her, or their Laſt Will and Teſtament, or by any other Inſtrument of Writing, in his, her, or their laſt Sickneſs whereof he, ſhe, or they ſhall Die, to give or grant Freedom to any Slave or Slaves: And if any Perſon or Perſons, after the Time aforeſaid, ſhall by any verbal Order, or by his, her, or their Laſt Will and Teſtament, or by any other Writing or Inſtrument, in his, her, or their laſt Sickneſs whereof he, ſhe, or they ſhall Die, give Freedom to any Slave or Slaves, ſuch Order, Will, or other Writing ſhall be void and of no Effect, ſo far as relates to ſuch Freedom or Manumiſſion only.

Owners of old or diſabled Slaves, neglecting to provide for them, or ſuffering them to wander about Begging, may be preſented by the Grand Jury,

IV. **And be it likewiſe Enacted,** That if any Maſter, Miſtreſs, Owner or Owners of any Slave or Slaves, grown old and incapable of Labour, or otherwiſe diſabled by Sickneſs or Accident, ſhall neglect to provide for ſuch old or diſabled Slave neceſſary Food and Cloathing, or ſhall ſuffer any Slave or Slaves whatſoever to depart from his, her, or their reſpective Habitation or Quarter, or to wander about Begging, whereby ſuch Slave or Slaves may become Burthenſome to the Neighbourhood wherein they have reſided, or others, it ſhall and may be lawful for the County Court where ſuch Maſter, Miſtreſs, Owner or Owners of ſuch Slave or Slaves ſhall reſide, upon Preſentment of the Grand

Grand Jury, to issue their Warrant against such Master, Mistress, Owner or Owners of such Slave or Slaves, and to cause such Master, Mistress, Owner or Owners of such Slave or Slaves, to appear before them; and if upon Examination in a summary Way, it shall appear to such Court, that such Master, Mistress, Owner or Owners of such Slave or Slaves, did not provide necessary Food and Cloathing, or did suffer such Slave or Slaves to depart and wander, contrary to the Intent and Meaning of this Act, such Court is hereby directed and impowered to cause such Master, Mistress, Owner or Owners of such Slave or Slaves, to enter into Recognizance, in the Penalty of Four Pounds Current Money, to be taken to, and in the Name of, the Right Honourable the Lord Proprietary for the Time being, and his Successors, for the Use of such County; with Condition, That such Master, Mistress, Owner or Owners of such Slave or Slaves, his, her, or their Executors or Administrators, shall provide sufficient Food and Cloathing for such Slave or Slaves, during the Continuance of this Act, and not suffer such Slave or Slaves to depart or wander, contrary to the Intent and Meaning of this Act. **Provided**, That if any Slave or Slaves shall run away or abscond from the Service of his or her Master, Mistress, Owner or Owners, contrary to the Will of such Master, Mistress, Owner or Owners, such Running away and Absconding shall not be construed, deemed, or taken to be a departing and wandering within the Intent and Meaning of this Act.

and obliged by the Court to give Security, &c.

Proviso, with regard to Slaves running away, or absconding.

V. **And** to the End that hereafter there may be an uniform and regular Manner of granting Freedom to Slaves; **Be it likewise Enacted**, That where any Person or Persons, possessed of any Slave or Slaves within this Province, who are or shall be of healthy Constitutions, and sound in Mind and Body, capable by Labour to procure to him or them sufficient Food and Raiment, with other requisite Necessaries of Life, and not exceeding Fifty Years of Age, and such Person or Persons possessing such Slave or Slaves as aforesaid, and being willing and desirous to set Free or Manumit such Slave or Slaves, may, by Writing under his, her, or their Hand and Seal, evidenced by Two good and sufficient Witnesses at least, grant to such Slave or Slaves, his, her, or their Freedom: And that any Deed or Writing, whereby Freedom shall be given or granted to any such Slave, which shall be intended to take place, *in futuro*, shall be good to all Intents, Constructions, and Purposes whatsoever, from the Time that such Freedom or Manumission is intended to commence by the said Deed or Writing, so that such Deed and Writing be not in Prejudice of Creditors, and that such Slave, at the Time such Freedom or Manumission shall take place or commence, be not above the Age aforesaid, and be able to Work, and gain a sufficient Livelihood and Maintainance, according to the true Intent and Meaning of this Act; which Instrument of Writing shall be Acknowledged before One Justice of the Peace of the County wherein the Person or Persons, granting such Freedom, shall reside; which Justice shall endorse on the Back of such Instrument, the Time of the Acknowledgment, and the Party making the same; which he, or they, or the Parties concerned, shall cause to be entered among the Records of the County Court where the Person or Persons granting such Freedom shall reside, within Six Months after the Date of such Instrument of Writing: And the Clerk or Clerks of the respective County Courts within this Province, shall, immediately upon the Receipt of such Instrument, endorse the Time of his receiving the same, and shall well and truly enroll such Deed or Instrument in a good and sufficient Book in Folio, to be regularly Alphabeted in the Names of both Parties, and to remain in the Custody of the said Clerk or Clerks, for the Time being, among the Records of the respective County Courts; and that the said Clerk or Clerks shall, on the Back of every such Instrument, in a full legible Hand, make an Endorsement of such Enrolment, and also of the Folio of the Book in which the same shall be enrolled, and to such Endorsement set his Hand, the Person or Persons requiring such Entry, paying the usual and legal Fees for the same.

Slaves may be set Free by Writing under Hand and Seal, &c. so that such Deed be not in Prejudice of Creditors, nor the Slaves be above 50 Years of Age, nor incapable of Maintaining themselves by Labour.

Such Deed to be Acknowledged,

and Recorded in 6 Months.

CHAP. I. An attested Copy to be Evidence.

VI. And be it likewise Enacted, That a Copy of such Record, duly attested under the Seal of such Office, shall, at all Times hereafter, be deemed to all Intents and Purposes, good Evidence to prove such Freedom.

This Act to be given in Charge to the Grand Jury, every *March* Court.

VII. And to the End that this Act may be duly observed, the Justices of every County Court within this Province respectively, shall, at their respective County Courts to be held in *March* yearly, give in Charge to the respective Grand Juries of each respective County, to Enquire into any Breaches made contrary to this Act.

Duration.

VIII. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

continued by 1766. ch. 1. for 20 yrs 06. g. 2. Continued by 1755, *ch.* 5; and 1758, *ch.* 9, for 7 Years, *&c.* and further

CHAP. II.

Passed 23d *June* 1752.

An Act directing the Manner of Punishing Fornication and Adultery, before a single Justice of the Peace, out of Court. *Lib.* B.L.C. *fol.* 557. *EXP.*

To continue for 3 Years, from the 1st *October* next, *&c.* It was farther continued for 3 Years, *&c.* by 1756, *ch.* 10; and expired in *April* 1760.

CHAP. III.

Ditto.

An Additional and Supplementary ACT to the Act, entitled, * An Act for the better Administration of Justice in Testamentary Affairs, Granting Administrations, Recovery of Legacies, Securing Filial Portions, and Distribution of Intestates Estates. *Lib.* B.L.C. *fol.* 559.

* 1715, *ch.* 39.

Preamble.

WHEREAS it hath been a Doubt, whether Persons chosen by Orphans of the Age of Fourteen Years, or upwards, to be Guardians to such Orphans, are by Law obliged by the said Act to give Security, upon their Acceptance of the Guardianship, to pay and deliver unto such Orphans, their Estates, at their respective Ages, when by Law they shall be entitled to receive the same: For Removal of which Doubt;

Guardians chosen by Orphans, shall give Security according to the Directions of 1715, *ch.* 39.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's President, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the several and respective County Courts within this Province, may and shall, and they are hereby impowered and directed, upon the Choice of any Guardian or Guardians by any Orphan or Orphans, who shall be of Age to choose their Guardians, to cause such Guardian or Guardians, upon their Acceptance of the Guardianship, to enter into Bond, with two sufficient Sureties, in the Names of the Orphans themselves, for the Securing and Delivering the Estates of such Orphans which shall come to their Hands and Possession, to the said Orphans, their Executors or Administrators, when thereunto lawfully called, according to the Rules and Directions of the said Act.

Whereupon the County Court shall give Order for delivering the Estate into their Hands.

III. And be it further Enacted, *by the Authority, Advice and Consent aforesaid*, That upon such Security being given, the Court before whom the same shall be given, shall make an Order for the Delivering and Paying the Estate of such Orphan into the Hands of such Guardian; and that no Executor, Administrator, or former Guardian, shall pay or deliver unto such Guardian so chosen, the Estate of such Orphan in his, her, or their Hands being, until such Guardian so chosen, shall have entered into Bond, according to the Directions of this Act, and shall have delivered unto such Executor, Administrator, or former Guardian, a Copy of such Order, under the Hand of the Clerk of such Court.

IV. And

IV. **And be it further Enacted**, That the ſeveral County Courts within this Province, reſpectively, ſhall have Power and Authority, when and as often as they ſhall find neceſſary, to oblige ſuch Guardian or Guardians to give new and better Security; and upon ſuch Guardian or Guardians Refuſal, to proceed therein according to the Directions of an Act of Aſſembly, entitled, *An Additional and Supplementary Act to the ſeveral Acts for Adminiſtration of Juſtice in Teſtamentary Affairs*, in caſe where any Guardian, or other Perſon, in Poſſeſſion of any Orphan's Eſtate, ſhould refuſe to give new or better Security for ſuch Eſtate. CHAP. III. The Court may oblige ſuch Guardians to give new Security according to 1729, *ch.* 24, §. 6.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IV.

An Act for dividing of certain Warehouſes in Kent *County, therein named. Lib.* B.L.C. *fol.* 559. *EXP.* Paſſed 23d *June* 1752.

To continue in Force till the 1st *December* 1753.

CHAP. V.

An Act continuing an Act, entitled, [a] *An Act for the more effectual deſtroying Squirrels and Crows in the Counties of* Kent, Queen-Anne's, *and* Talbot; *and for deſtroying Red Foxes in the ſaid Counties. Lib.* B.L.C. *fol.* 560. *EXP.* Ditto.

[a] 1749, *ch.* 9, hereby continued 3 Years, *&c.*

CHAP. VI.

A Supplementary Act to an Act, entitled, [b] *An Act to enable the Juſtices of* Charles *County to aſſeſs and levy on the Taxable Inhabitants of that Part of the late Reverend Mr.* Donaldſon's *Pariſh, which lies in the ſaid County, Fifty-five Thouſand Pounds of Tobacco; and for other Purpoſes therein mentioned. Lib.* B.L.C. *fol.* 561. Ditto.

[b] 1751, *ch.* 9. Part of the Tobacco granted by which Act, not being raiſed through Neglect of the Veſtry, the preſent Act enabled them to levy 18333lb Tobacco, ſo as aforeſaid neglected.

CHAP. VII.

A Supplementary ACT to the Act, entitled, * An Act for the Appointment of Conſtables, and what relates to their Office; and aſcertaining what Perſons are Taxables. *Lib.* B.L.C. *fol.* 561. Ditto. * 1715, *ch.* 15.

WHEREAS by the above recited Act, it is amongſt other Things Enacted, "That the Juſtices of Peace in every reſpective County of this Province, at the firſt County Court held after Michaelmas, ſhall appoint Conſtables in each Hundred of their ſeveral and reſpective Counties; and the ſaid Conſtables ſo appointed, ſhall, before they enter into that Office, take the ſeveral Oaths appointed to be taken by all Officers, by the Acts of Aſſembly of this Province, and the Oath of a Conſtable." And whereas it often happens, that the Perſons ſo appointed as aforeſaid, delay taking the Oaths aforeſaid, by which Means the Hundred for which ſuch Perſon is appointed, remains a conſiderable Time without a Conſtable. Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Preſident, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this Seſſion of Aſſembly, the Clerk of every County Court reſpectively, after the Appointment of every Conſtable in ſuch County, ſhall ſignify ſuch Appointment under his Hand, and deliver the ſame to the Sheriff of the ſaid County within Five Days after every ſuch Appointment, under the Penalty of Twenty Shillings, to be recovered before a ſingle Magiſtrate as in caſe of ſmall Debts, to and for the Uſe of the County where ſuch Neglect of Notice ſhall be made: And the Sheriff ſhall, within Ten Days, after ſuch Delivery as aforeſaid, deliver the ſame to each reſpective Perſon ſo appointed The County Clerk ſhall certify the Appointment of Conſtables to the Sheriff within five Days, and the Sheriff deliver the ſame within ten Days, on Forfeiture of 20 Shillings.

as

CHAP. VII. Penalty on Conſtables neglecting to qualify.

as aforeſaid, or leave the ſame at his uſual Place of abode, under the Penalty of Twenty Shillings Current Money, to be recovered in Manner aforeſaid, to the Uſe aforeſaid: And every Perſon ſo appointed as aforeſaid, that ſhall not within Five Days after ſuch Notice, qualify himſelf, by taking the Oaths appointed by the ſaid recited Act, ſhall incur the Penalty mentioned in the ſaid Act, to be recovered as by the ſame Act is directed, and applied to the Uſe therein mentioned.

On Death, &c. of any Conſtable, any two next County Juſtices may appoint another; who ſhall qualify, &c.

III. **And whereas** there is no Proviſion made by the above recited Act, for the Appointment of Conſtables, on the Death or Removal of any Conſtable, who ſhall die or remove before he hath ſerved his due Time in that Station limited by Law, or that ſhall refuſe to qualify upon any Appointment, according to the Directions of this and the above recited Act: For Remedy whereof; **Be it likewiſe Enacted**, That where any ſuch Conſtable ſhall die, or remove out of the County in which he ſhall be appointed, either before or after his Qualification in Manner aforeſaid, or that ſhall refuſe or neglect to qualify on ſuch Appointment in Manner aforeſaid, that then, and in ſuch caſe, it ſhall and may be lawful for any Two of the next Juſtices of the Peace, in the County where ſuch Death, Removal, or Refuſal ſhall happen, and they are hereby required, forthwith to appoint another proper Perſon in the ſaid Hundred, to be Conſtable in the Place and Stead of ſuch Conſtable ſo dead, removed, or refuſing; which Perſon, by the Juſtices aforeſaid ſo appointed, upon their Certificate of ſuch Appointment to him delivered, ſhall, within the Time aforeſaid, and according to the Directions of this and the above recited Act, qualify himſelf, in the ſame Manner and Form, and be ſubject to the ſame Penalties impoſed by this and the above recited Act, on all Conſtables who ſhall be appointed at the Firſt County Courts which ſhall be held after Michaelmas reſpectively, are.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VIII.

Paſſed 23d *June* 1752.

A Supplementary ACT to an Act, entitled, * An Act for Quieting Poſſeſſions, Enrolling Conveyances, and Securing the Eſtates of Purchaſers. *Lib.* B.L.C. *fol.* 562.

* 1715, *ch.* 47.

Preamble.

WHEREAS by the Act of Aſſembly, entitled, *An Act for Quieting Poſſeſſions, Enrolling Conveyances, and Securing the Eſtates of Purchaſers*, or by any other Law of thisProvince, there is not any expreſs Proviſion made, how, or in what Manner, the Acknowledgment of any *Femme Covert* named as a Grantor, Bargainor, or Donor, in ſuch Deed indented, or mentioned in the ſaid Act, for the Conveying Lands, Tenements, or Hereditaments, which lay within this Province, wherein ſuch *Femme Covert* hath the Eſtate of Inheritance, or taken only to bar her of Dower, where ſhe reſides out of this Province, ſhall be ſo taken: For Remedy whereof, and to direct the Method of taking the Acknowledgment of ſuch *Femme Coverts* for the future, it is humbly prayed that it may be Enacted;

The Acknowledgment, &c. of a Non-Reſident *Femme-Covert* before the Mayor of any Corporation in *Great-Britain* or *Ireland*;

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietor, by and with the Advice and Conſent of his Lordſhip's Preſident, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this Seſſion of Aſſembly, where any Lands, Tenements, or Hereditaments, lying and being within this Province, ſhall be conveyed by any Deed whatſoever, wherein any *Femme Covert* ſhall be named as a Bargainor or Vendor, for transferring her Eſtate of Inheritance in ſuch Lands, Tenements, or Hereditaments as aforeſaid, or wherein ſuch *Femme Covert* may have Right or Claim of Dower, only where any ſuch *Femme Covert* as aforeſaid, ſhall, at the Time of her executing ſuch Deed, reſide and be out of this Province, in *Great-Britain*, *Ireland*, or within any Province, or Colony, within his Majeſty's

jesty's Dominions, it shall and may be lawful for any such *Femme Covert* to acknowledge such Deed, and be examined a-part from, and out of the Hearing of her Husband, before the Mayor of some Corporation within *Great-Britain* or *Ireland*, or before one of the Justices of the Supreme or Provincial Court, of such Province, or Colony, within his Majesty's Dominions, Whether she doth make her Acknowledgment of the same, willingly and freely, and without being induced thereto by Fears or Threats of, or ill Usage by her Husband, or Fear of his Displeasure? And the Mayor, or Justice, so taking such Acknowledgment as aforesaid, and certifying the said Examination and Acknowledgment, by an Endorsement upon such Deed or Writing under his Hand, and the Seal of such Corporation, where taken before a Mayor, or the Seal of the Province, or Colony, within his Majesty's Dominions, where taken, and a Certificate of such private Examination and Acknowledgment, so as aforesaid to be taken and made, shall be adjudged and deemed good and available in Law, to all Intents, Constructions, and Purposes whatsoever, to bar such *Femme Covert* of her Right of Inheritance, or Dower, as the Case may be, to said Lands, Tenements, and Hereditaments, according to the Purport of such Deed, or Acknowledgment, as fully and effectually as if, at the Time of executing and acknowledging such Deed, she had been residing within this Province, and had here made such Acknowledgment, agreeable to the Direction of the aforesaid Act, and no further, or otherwise; any Law, Usage, or Custom, to the contrary in any wise notwithstanding.

CHAP. VIII.

or before one Justice of the Supreme Court in any *British* Colony,

and endorsed on the Deed, under Seal of the Corporation, &c.

shall be effectual to bar her Rights.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. IX.

An Act for the destroying Squirrels and Crows, in the several Counties therein mentioned. Lib. B.L.C. *fol.* 563. *EXP.* Passed 23d *June* 1752.

To remain in Force 3 Years, &c. Continued farther by 1755, *ch.* 3; and expired in *December* 1758, when a new Law was made.

CHAP. X.

An Act directing the former Sheriffs of the several Counties within this Province, their Heirs, Executors or Administrators, to account with the Justices of the several County Courts for the [c] *Tobacco therein mentioned. Lib.* B.L.C. *fol.* 564. Ditto.

[c] *Viz.* 1lb Tobacco per Poll, collected in Pursuance of an Order of Council, dated 13th *September* 1744, hereby directed to be applied by the Justices of the several County Courts towards defraying their several County Charges.

CHAP. XI.

An Act continuing an Act, entitled, [d] *An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court; to limit Costs with respect to Witnesses, and for settling their Allowance, as to itinerant Charges. Lib.* B.L.C. *fol.* 565. *EXP.* Ditto.

[d] 1749, *ch.* 2, hereby continued 3 Years, &c.

CHAP. XII.

An Act continuing an Act, entitled, [e] *An Act continuing an Act, entitled, An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* B.L.C. *fol.* 565. *EXP.* Ditto.

[e] 1749, *ch.* 8, hereby continued 'til the 1st *December* 1753.

CHAP. XIII.

An ACT for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal Matter. *Lib.* B.L.C. *fol.* 566. Ditto.

WHEREAS many indigent Persons, or Strangers, have been necessarily, for want of Sureties to appear as Witnesses, committed to Prison, by Means whereof such Persons have been often Sold as Servants, for the Prison Fees arising upon such Commitment, or otherwise detained in Prison for such Fees, to their great Damage, and Loss to the Public, in the Labour of such Person or Persons. Preamble.

II. Be

CHAP. XIII.

The Imprisonment Fees of Witnesses who cannot find Security for their Appearance to Testify, shall be paid by the County, or the Public,

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's President, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That where any Person, Witness against any Person or Persons accused of any Crime or Crimes, within this Province, cannot find Security for his Appearance to testify as a Witness against any Person, so arrested, accused, or prosecuted as aforesaid, and for want of such Surety, shall be committed to Prison, that then and in such case, the County where the Prosecution shall be carried on, shall be chargeable with, and pay such Witness's Imprisonment Fees; and in case the Prosecution shall be in a Superior Court, then, and in such case the Public shall be chargeable with, and pay such Fees; any Law, Usage, or Custom, to the contrary notwithstanding.

and levied as other County Dues, &c.

III. **And be it likewise Enacted**, That the Justices of the several and respective County Courts, shall, and they are hereby obliged and directed to assess and levy on the Taxable Inhabitants of their Counties respectively, all such Fees as are herein before directed to be paid by the respective Counties, from Time to Time, and at all Times hereafter, as often as the Case shall require, during the Continuance of this Act: And that all such Fees shall and may be paid by the Inhabitants of this Province, in the same Manner as they are allowed by Law to pay any other County or Public Charges.

Duration.

IV. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1755, *ch.* 4; 1758, *ch.* 2; and 1762, *ch.* 19.

CHAP. XIV.

Passed 23d *June* 1752.

An ACT to amend and explain an Act, entitled, * An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse-Races near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings. *Lib.* B.L.C. *fol.* 566.

* 1747, *ch.* 17.

Preamble.

WHEREAS by the above mentioned Act, it is doubtful whether Persons selling Strong or Spirituous Liquors in *Talbot* and *Anne-Arundel* Counties, during the Days on which the Yearly Meetings of the People called Quakers are kept or held at their Meeting-houses in the said Counties, without having first built, set up, or erected a Booth, or other Conveniency for that Purpose, are within the Intent and Meaning of the said Act: For removing of which Doubt, and more effectually preventing the Evils and Inconveniencies complained of by the said recited Act, it is prayed that it may be Enacted;

Penalty on Persons selling strong Liquors within 3 Miles of the Quakers yearly Meetings.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's President, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this present Session of Assembly, if any Person or Persons whatsoever, shall sell, dispose of, or expose to Sale, any Strong or Spirituous Liquors of any Kind whatsoever, at or near any Public Road, in the Counties of *Talbot* and *Anne-Arundel*, at any Distance within Three Miles, in the said Counties, from the Meeting-houses aforesaid, during the Days on which the Yearly Meetings of the People called Quakers, shall be kept or held, or shall sell, dispose of, or expose to Sale, any such Strong or Spirituous Liquors, at any Place whatsoever, within Three Miles distant from the said Meeting-houses, such Person or Persons, for every such Offence, shall forfeit and pay the Sum of

of Five Pounds Current Money; one Half to the Informer, or him or them who will sue for the same; the other Half to the Use of the County School where such Offence shall be committed; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed; any thing in the above recited Act to the contrary in any wise notwithstanding. CHAP. XIV.

III. **Provided always,** That nothing herein contained, shall extend to prevent, hinder, or preclude, any licenced Ordinary-Keeper, Merchant, or other Person dwelling or residing in the said Counties, from Selling any Strong or Spirituous Liquors at his or her Dwelling-house, or Place of Residence, during the Days on which such Yearly Meetings shall be kept or held as aforesaid, so that such Liquors to be sold as aforesaid (except what is sold by Persons duly admitted and licenced to keep Ordinary) be not drank at the Place where the same is Sold or exposed to Sale. Proviso in favour of Ordinary Keepers, &c.

IV. **And be it further Enacted,** That so much of the above recited Act, prohibiting the Setting up and Erecting any Booth or Conveniency, or selling or disposing of any Strong or Spirituous Liquors, or other Accommodations, or giving any Entertainment to any Persons at a Distance more than Three Miles, be, and is hereby Repealed. Part of the Act of 1747, *ch.* 17, Repealed.

V. This Act to continue during the Continuance of the above-recited Act, and no longer. Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

The Original Act of 1747, *ch.* 14, is (together with this Act) continued by 1754, *ch.* 20; 1757, *ch.* 20; and 1762, *ch.* 3.

CHAP. XV.

An Act impowering the Justices of Baltimore *County Court, to assess and levy a* [f] *Sum of Current Money; and for other Purposes therein mentioned. Lib.* B.L.C. *fol.* 567. Passed 23d *June* 1752.

[f] *Viz.* 300*l.* on the Inhabitants of *St. John*'s Parish, for purchasing One Acre of Land in the Fork of *Gunpowder* River, and building thereon a Chapel; which, when built, shall be deemed a Chapel of Ease, and to be kept in Repair at the Cost of the said Parish. A Supplementary Act 1753, *ch.* 32.

CHAP. XVI.

A Supplementary Act to an Act, entitled, [g] *An Act for issuing and taking out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly, the Sum of Four Thousand Five Hundred Pounds Current Money, for Encouragement of such able Bodied Free-men as shall voluntarily Enlist themselves in his Majesty's Service, for the intended Expedition against* Canada; *and for maintaining and conveying them to the Place of Rendezvous: As also for replacing the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned. Lib.* B.L.C. *fol.* 568. *EXP.* Ditto.

[g] 1746, *ch.* 1.

The present Act (which only continued 3 Years) was intended to restrain all Persons, not having lawful Licence, from selling strong Liquors to be drank in or about their Houses and Plantations: Which Abuse is more effectually provided against by the Additional Supplementary Act of 1757, *ch.* 33.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 2d Day of *October*, and ended the 17th Day of *November*, in the 3d Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1753: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

Paſſed 5th *Nov.* 1753. *An Act for the Adjournment and Continuance of* Talbot *County Court*. *Lib.* H.S. *fol.* 1.

CHAP. II.

Paſſed 17th *Nov.* 1753. *An Act for the Advancement of Juſtice*. *Lib.* H.S. *fol.* 1.

To continue in Force 3 Years, &c. Further continued by 1757, *ch.* 2; and 1760, *ch.* 4. A new Law made 1763, *ch.* 22.

CHAP. III.

Ditto. *An Act continuing an Act, entitled,* [a] *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.* *Lib.* H.S. *fol.* 5. *EXP.*

[a] 1745, *ch.* 15; hereby continued 3 Years, &c.

CHAP. IV.

Ditto. *An Act continuing an Act, entitled,* [b] *An Act to remedy ſome Evils relating to Servants.* *Lib.* H.S. *fol.* 5. *EXP.*

[b] 1750, *ch.* 5; hereby continued 3 Years, &c.

CHAP. V.

Ditto. *An Act continuing an Act, entitled,* [c] *An Act to prevent the ill Practices of Sheriffs, in the Collecting and Payment of the Public and County Levies.* *Lib.* H.S. *fol.* 6.

[c] 1742, *ch.* 7, hereby continued for and during the Continuance of the Paper Money Act of 1733, *ch.* 6; which Expired the 29th *September* 1764.

CHAP. VI.

Ditto. *An Act for Trial of all Matters of Fact, in the ſeveral Counties where they have ariſen or ſhall ariſe.* *Lib.* H.S. *fol.* 6. *EXP.*

To continue in Force 3 Years, &c.

CHAP. VII.

Ditto. *An Act continuing an Act, entitled,* [d] *A Supplementary Act to the Act, entitled, An Act aſcertaining the Height of Fences, to prevent the Evils occaſioned by the Multitude of Horſes, and reſtraining Horſe-Rangers within this Province; and to redreſs the great Evil accruing to this Province, by the Multiplicity of uſeleſs Horſes, Mares, and Colts, that Run in the Woods.* *Lib.* H.S. *fol.* 15. *EXP.*

[d] 1750, *ch.* 25; hereby continued 3 Years, &c.

CHAP. VIII.

Ditto. *An Act continuing an Act, entitled,* [e] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law; and for continuing the* [f] *Supplementary Act thereto.* *Lib.* H.S. *fol.* 15. *EXP.*

[e] 1714, *ch.* 4. [f] 1728, *ch.* 24. Hereby continued 3 Years, &c.

CHAP. IX.

Ditto. An ACT to prevent Maſters of Ships and Veſſels, from clandeſtinely carrying Servants and Slaves, or Perſons Indebted, out of this Province. *Lib.* H.S. *fol.* 16.

Preamble. WHEREAS divers Servants and Slaves, belonging to the People of this Province, and Perſons Indebted therein, have been carried away out of the ſame Province, in Ships or Veſſels Trading there-

in,

in, to the great Loss and Damage of his Majesty's Subjects the good People of *Maryland*: To prevent therefore so great an Evil, it is prayed that it may be Enacted; CHAP. IX.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this Session of Assembly, when, and as often as, any Commander, or Master of a Vessel above Eighteen Feet by the Keel, shall come to Enter with, or take out a Permit from, any Naval-Officer within this Province, or the Limits or Precincts thereof, it shall not be lawful for such Naval-Officer to suffer such Commander, or Master, to Enter such his Vessel with him or them, or grant him or them a Permit to Trade within the said Province, until such Commander, or Master, shall have taken the following Oath on the Holy Evangels of Almighty GOD, or Affirmation if a Quaker, which Oath, or Affirmation, such Naval-Officer or Officers are hereby impowered to administer, *viz.* "*I* A. B. *Commander of the Ship or Vessel* C. *will not clandestinely conceal, or permit to be concealed, on board my Ship or Vessel, during my stay within this Province, any Servant or Slave, belonging to any Inhabitant or Inhabitants thereof, nor will wittingly or willingly carry away out of this Province, any Servant or Slave, or Servants or Slaves, belonging to any Inhabitant or Inhabitants therein, or any Person or Persons Indebted therein, common Sailors excepted, contrary to the Laws of this Province.* So help me GOD."

Masters of Vessels above 18 Feet Keel, shall not Enter, or obtain Permit, till they have taken the following Oath.

III. **And be it likewise Enacted**, That no Master of a Vessel coming into this Province, and Entering to Trade therein, shall suffer any Slave or Slaves, Servant or Servants, to frequent his or their Vessel or Vessels, or come on board or conceal such Servant or Servants, or Slave or Slaves, on board such his or their Ship or Vessel, or Ships or other Vessels: And in case any Servant or Servants, Slave or Slaves, shall be kept or concealed on board any Ship or Ships, Vessel or Vessels, coming into and Trading within this Province, for the Space of One Hour or longer, the Master or Commander of such Ship or Vessel, shall forfeit and pay at the rate of Twenty Shillings Current Money, for every Hour each Servant or Slave shall be suffered to frequent his or their Vessel, or be kept or concealed on board his or their Vessel, to the Party owning such Servant or Slave, or Servants or Slaves, the same to be recovered in a summary Way, before One Justice of the Peace, with Costs.

Penalty on Masters, &c. suffering Servants or Slaves to frequent their Ships, or concealing them on board.

IV. **Provided always**, That it shall and may be lawful for any Master or Commander of any Ship or Vessel coming into, or Trading within, this Province, to hire any Servant or Slave, Servants or Slaves, from any Inhabitant within this Province, to Work on board such his or their Ship and Vessel, or Ships and Vessels; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

But Servants or Slaves may be hired to Work on board.

V. **Provided nevertheless, and it is hereby Enacted and Declared**, That where it shall happen, the Master of such Ship or Vessel as aforesaid, shall, by reason of Sickness, be rendered unable to attend on such Naval-Officer, that then, and in such Case the Chief-Mate, or next Officer of such Ship or Vessel, shall be admitted to make Entry of the said Ship or Vessel; and that afterwards the said Master, as soon as he is Able, and before the Clearing of the said Ship or Vessel, shall be, and is hereby obliged, to take the said Oath, or Affirmation if a Quaker, as aforementioned.

In case of the Master's Sickness, the Mate, &c. may Enter; but the Master before Clearing, shall make Oath as above.

VI. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Continuance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1757, *ch.* 9; and 1760, *ch.* 2; for 3 Years, &c. But by 1763, *ch.* 10, is made PERPETUAL.

CHAP. X.

Passed 17th Nov. 1753.

An ACT to prevent Persons from Secreting Boats, Flats, and other Vessels, drove by Stress of Weather or otherwise, from Landings or Moorings. *Lib.* H.S. *fol.* 18.

Preamble.

WHEREAS it often happens, that Flats, Boats, and other Vessels, are by Stress of Weather, or by Ice, drove from Landings, Moorings, and Harbours, into the Bay, and from one River to another, and are taken up by Persons who secrete such Boats or Vessels: To the Intent therefore that the proper Owners may not be deprived of their Property;

Persons taking up Boats, &c. drove from their Moorings, shall give Notice in Ten Days to a Magistrate, and set up Notes thereof in Ten Days, and Advertise the same in the Gazette within 30 Days.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the last Day of *March* next, where any Person or Persons shall discover, take up and secure, any Flat, Boat, or other Vessel, drove from any Place of Mooring, Landing, Harbour, or River, or from any other Vessel, such Person or Persons shall, and they are hereby obliged, in Ten Days after such Discovery, Taking up, and Securing as aforesaid, to give Notice thereof to some Justice of the Peace for the County where such Flat, Boat, or other Vessel, is taken up and secured as aforesaid; which said Justice of the Peace shall, and he is hereby required, to deliver to the Party giving such Notice, an Advertisement, describing in the best Manner the Built and Marks of such Flat, Boat, or other Vessel, and the Name of such Person, and Place of his Abode; Copies of which Advertisement the said Party shall, within Ten Days after the Date thereof, cause to be set up in the most public Places of the said County, and within Thirty Days after such Date, procure the same to be inserted in the *MARYLAND* GAZETTE, and shall deliver the same Boat, or other Vessel, to the Owner thereof, upon Payment of reasonable Cost and Charges for the same; he or they first Proving the Property, by his or their own Oath, or otherwise, before some Justice of the Peace.

The Owner to pay Charges, &c.

Penalty for not performing what is required by this Act.

III. **And be it further Enacted**, That if any Person or Persons, after the said last Day of *March*, shall take up and secure, any Flat, Boat, or other Vessel, drove from any Place of Mooring, Landing, or Harbour, or from any other Vessel, and shall not do and perform what is by this Act required, shall forfeit and pay to the Owner or Owners of such Flat, Boat, or Vessel, the Sum of Fifty Shillings Currrent Money, to be recovered in a summary Way, before One Justice of the Peace of the County where the Party accused doth reside.

Proviso, if taken up on the Eastern Shore in the Winter Season.

IV. **Provided always**, That in case any such Flat, Boat, or other Vessel, shall be taken up on the East Side of *Chesapeak* Bay, or the North Side of *Susquehanna* River, in the Winter Season, when it may so happen that by Reason of the Ice no Intercourse may be had with the City of *Annapolis*, that then, and in such Case, it shall and may be lawful for the Person or Persons taking such Flat, Boat, or other Vessel, into his or their Custody, or Care, to cause such Advertisement as is herein before directed, to be inserted in the *MARYLAND* GAZETTE, within Thirty Days after the Obstruction of such Intercourse or Communication with the said City of *Annapolis* shall or may be removed.

Continuance.

V. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued 1757, *ch.* 9; and 1760, *ch.* 2, for 3 Years, &c. But by 1763, *ch.* 8, is made PERPETUAL.

CHAP.

CHAP. XI.

An Act for the Relief of Thomas Barkley, *a languiſhing Priſoner in* Kent *County Goal. Lib.* H.S. *fol.* 19. *PR.* — Paſſed 17th *Nov.* 1753.

CHAP. XII.

A Supplementary Act to the Act, entitled, [f] *An Act to enable the Juſtices of* Charles *County, to levy a Sum of Tobacco on the Taxable Inhabitants of* Port-Tobacco *Pariſh in the ſaid County, for the Purpoſes therein mentioned. Lib.* H.S. *fol.* 22. — Ditto.

[f] 1751, *ch.* 12. The Intent of this Act was to oblige the Sheriff to pay a Sum of Tobacco collected by him, and drawn for by a Majority of the Veſtry in favour of *William Waite*, the Undertaker of the Building of the Pariſh Church, which the ſaid Sheriff refuſed to pay as not being ſigned by the Church-wardens, *&c.*

CHAP. XIII.

An Act for the ſpeedy Recovery of ſmall Debts out of Court, before one Juſtice of the Peace. Lib. H.S. *fol.* 24. — Ditto.

To continue in Force 3 Years, *&c.* Further continued by 1757, *ch.* 11, and 1760, *ch.* 10. A new Law made 1763, *ch.* 20.

CHAP. XIV.

An Act to impower the ſeveral Courts within this Province, to order Commiſſions for the Examination of Witneſſes reſiding beyond Sea; and for the more eaſy Foreclоſure of Mortgages. Lib. H.S. *fol.* 25. *EXP.* — Ditto.

To remain in Force 3 Years, *&c.*

CHAP. XV.

An Act impowering the Incumbent and Veſtry-men of St. Michael's *Pariſh, in* Talbot *County, and* James Tilghman *of the ſaid County, and* Anne *his Wife, to make an Exchange of certain Lands therein mentioned. Lib.* H.S. *fol.* 28. *PR.* — Ditto.

CHAP. XVI.

An ACT for Repairing the Public Roads in this Province. *Lib.* H.S. *fol.* 30. — Ditto.

A Supplementary Act 1756, *ch.* 12.

WHEREAS, it is repreſented to this General Aſſembly, That the erecting and making Mill-Dams on Branches, where formerly the main or public Roads paſſed, and the Narrowneſs of ſuch Dams, and the Flood-Gates to the ſame, have been a great Obſtruction and Hindrance to Carriage and Travelling on the public Roads: For Remedy whereof, it is prayed that it may be Enacted; — Preamble.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That where any Perſon or Perſons have Built, or ſhall Build, a Mill or Mills, on any Branch or Run, where any public or main Road croſſed, or ſhall croſs, and have erected, or ſhall erect, any Dam for ſuch Mill or Mills, ſuch Perſon or Perſons, or the Owner, Poſſeſſor, or Occupier of ſuch Mill or Mills, ſhall, and they are hereby obliged to make the Top of the ſaid Dam Twelve Feet Wide at the leaſt, and make good and ſufficient Bridges over the Waſte and Race of the ſaid Mills and Dams, and the ſame keep in good Repair: And where any Mill, hereafter to be erected, ſhall obſtruct any public Road, and it ſhall be thought convenient by the Juſtices of the ſaid County Court, where ſuch Mill is ſo erected, that the ſaid public Road ſhall paſs below the Dam of the ſaid Mill, or where ſuch public Road now paſſes below the Dam of any ſuch Mill or Mills, that then, and in every ſuch caſe, the Owner or Owners, Poſſeſſor, or Occupier of ſuch Mill or Mills, ſhall, and they are hereby required, to raiſe and make a good and ſufficient Cauſeway a-croſs the Branch on which the ſaid Mill is built, Twelve Feet Wide, and make a good and ſubſtantial Bridge over the Tail of the ſaid Mill, and the ſame keep in good Repair; and if the Owner or Owners, Poſſeſſor or Occupier, of any ſuch Mill or Mills, ſhall refuſe or neglect to do what is by this Act required, and ſhall be thereof

Owners of Mills built where the Main Road croſſes the Branch, ſhall make the Top of their Dams 12 Feet Wide, and make good Bridges over the Waſte and Race, and keep the ſame in Repair. Where the Road paſſes below the Dam, they ſhall make a Cauſeway a-croſs the Branch 12 Feet Wide, and a good Bridge over the Mill Tail, and keep the ſame in Repair.

CHAP. XVI.

Penalty for Non-Compliance;

thereof legally convict, he, she, or they, shall forfeit and pay the Sum of Twenty Pounds Current Money; the one Half thereof to be applied towards defraying the Charge of the County where such Neglect or Refusal shall happen, the other Half to him, her, or them, that shall inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed. **Provided**, That such Person or Persons, Owner or Owners, Possessor or Occupier, of such Mill or Mills, shall not be obliged to send his or their Taxable Persons, who shall reside in the Precinct of such public Road, to work on any Part of such Road, except such Mill-Dam, Causeway, Race, and Waste, as aforesaid.

But shall not be obliged to assist on any other Part of the Road.

Contracts heretofore made in *Worcester* County, made void.

III. **And be it further Enacted**, That all Contracts heretofore made by the Justices of *Worcester* County Court, with the Proprietor or Proprietors of any such Mill or Mills, for the keeping in good Repair such Dam or Bridge, and free Passage of Travellers and Carriages as aforesaid, are by this Act made null and void to all Intents and Purposes whatsoever; any Thing to the contrary in any wise notwithstanding.

Commencement of Penalties.

IV. **Provided always, and be it Enacted**, That no Owner or Owners of such Mills as aforesaid, over the Dams of which public Roads now pass, shall be subject to any of the Penalties in this Act, for not making such Mill-Dams of the Breadth in the said Act directed, until after the First Day of *November* which shall be in the Year of our Lord Seventeen Hundred and Fifty-four.

Continuance.

V. This Act to continue for Five Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Five Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Continued, together with its Supplementary Act, by 1758, *ch.* 8, and 1762, *ch.* 17.

CHAP. XVII.

Passed 17th *Nov.* 1753.

An ACT for regulating Judicial Proceedings. *Lib.* H.S. *fol.* 32.

Preamble.

WHEREAS in Actions of Trover and Conversion, and Actions of Detinue, Special Bail by the Order and Course of Law, is not granted, and for that many Persons commencing such Suits, for Want of Special Bail therein, have often lost the Effects of their Judgments, the Defendants in such Suits frequently Running away, to avoid the Consequence thereof.

In Actions of Trover, &c. the Court may award Special Bail,

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That in all Actions of Trover and Conversion, and Actions of Detinue, to be commenced after the First Day of *December* next, in any of the Courts in this Province, it shall and may be lawful for the Justices of the Court in which such Action shall be commenced, or such of them as shall be present, upon the Affidavit of the Plaintiff, or other Evidence of his Cause of Action given to the Satisfaction of such Court, to award Special Bail against any Defendant or Defendants in such Action, and for Default of such Bail, to commit such Defendant or Defendants to the Custody of the Sheriff, or Coroner, as the case may require, until he, she, or they, shall put in such Bail as is usual in other Cases; any Law, Usage, or Custom, to the contrary notwithstanding.

and on Default thereof may commit the Defendant.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. XVIII.

An Act impowering the Justices of Prince George's *County to levy on the Taxable Inhabitants of* St. Paul's *Parish, in the said County, a* [z] *Sum of Current Money, for the Uses therein mentioned. Lib.* H.S. *fol.* 32. Passed 17th *Nov.* 1753.

[z] *Viz.* 100 *l.* for Railing in the Grave Yards, and Repairing the Church and Chapel.

CHAP. XIX.

An Act to enable the Parishioners of Part of St. Andrew's *Parish, in* St. Mary's *County, to choose Vestry-men and Church-wardens; and to enable the Visitors of the County School, in said County, to choose Visitors. Lib.* H.S. *fol.* 33. Ditto.

CHAP. XX.

An Act to impower the Commissioners of Baltimore-Town, *to make an Addition thereto of Thirty-two Acres of Land, or thereabouts, to be laid out into Lots. Lib.* H.S. *fol.* 34. Ditto.

N. B. By this Act, (1.) The Commissioners of the said Town are impowered, any Time before the 1st *April* next, to cause 32 Acres of Land or thereabouts, lying on the West Part of the Town, to be surveyed and laid out into Lots. (2.) The said 32 Acres so laid out, is declared to be Part of *Baltimore-Town*, to all Intents and Purposes, as fully, *&c.* as if included originally therein, and have the same Immunities and Privileges as the rest of the said Town. (3.) Any Persons that shall build or improve on the said 32 Acres, *&c.* after the same shall be laid out into Lots, as by former Laws relating to the said Town is directed, and purchase the same from the Proprietors, shall have an absolute Estate of Inheritance in any Lot so to be built on and purchased. (4.) But the Purchasers of any Part of the said 32 Acres, are hereby left to agree with the Proprietors thereof, and not otherwise to have any Title to any of the said new Lots. (5.) Saving to the Crown, the Lord Proprietor, all Bodies Politic and Corporate, and all others not mentioned in this Act, their several and respective Rights.

CHAP. XXI.

An Act for raising a Duty of Three Half-pence Sterling per Hogshead, on all Tobacco exported out of this Province, for the Use of the Governor. Lib. H.S. *fol.* 36. *EXP.* as Ditto.

Till the 1st *December* 1754.

CHAP. XXII.

An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees. Lib. H.S. *fol.* 37.

To continue in Force till the 1st *December* 1758. Farther continued by 1758, *ch.* 7, until the 1st *December* 1763, at which Time it Expired, together with its Supplementary and other dependent Laws, *viz.* 1754, *ch.* 1, and 3; 1755, *ch.* 7; 1757, *ch.* 31; 1758, *ch.* 12; 1760, *ch.* 7, and 14; and 1762, *ch.* 20, and 26. All which are included in the new Act of 1763, *ch.* 18.

CHAP. XXIII.

An Act to cut off the Entail of Part of a Tract of Land called Charley, *now lying in* Charles *and* Prince-George's *Counties; and to entail Lands of equal Value in lieu thereof. Lib.* H.S. *fol.* 107. *PR.* Ditto.

CHAP. XXIV.

An Act to repeal an Act, entitled, [h] *An Act for the Confirmation of the Lands therein mentioned, to* Richard Bennet, *Esq; Lib.* H.S. *fol.* 111. *PR.* Ditto.

[h] 1720, *ch.* 8.

CHAP. XXV.

An Act for the vesting and settling an Estate of Inheritance, in Fee-simple, of and in a certain Parcel or Lot of Ground in the City of Annapolis, *containing One Hundred and Twenty Feet in Length, formerly, by an* [i] *Act of Assembly of this Province, confirmed to* Robert Gordon, *of the City of* Annapolis, *Merchant, on* Horatio Samuel Middleton, *and his Heirs for ever. Lib.* H.S. *fol.* 113. *PR.* Passed 17th *Nov.* 1753.

[i] 1723, *ch.* 26.

CHAP. XXVI.

A Supplementary and Explanatory ACT to an Act, entitled, * An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meetings, and other Irregularities of Negroes and other Slaves. *Lib.* H.S. *fol.* 115. Passed 17th *Nov.* 1753.

* 1751, *ch.* 14.

WHEREAS by an Act of Assembly of this Province, entitled, [k] *An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and* Preamble.

[k] 1751, *ch.* 14, §. 9.

CHAP. XXVI.

a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meetings, and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, on the Fifteenth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-one, amongſt other Things, it was Enacted, "That if any Slave ſhall happen to be Slain for refuſing to ſurrender him or "herſelf, contrary to Law, or in unlawful reſiſting any Officer, or other Per- "ſon, who ſhall apprehend, or endeavour to apprehend, ſuch Slave or Slaves, "and ſuch Officer or other Perſon ſo Killing ſuch Slave as aforeſaid making "Reſiſtance, ſhall be, and he is by this Act indemnified from any Proſecu- "tion for ſuch Killing aforeſaid." And whereas ſome Doubts may poſſibly ariſe about the Conſtruction of the ſaid recited Clauſe, and whether the Perſon ſo Killing ſuch Slave as aforeſaid making Reſiſtance, ſhall undergo any Proſecution for the ſame: For the Explanation whereof, and to prevent all Diſputes or Doubts which may ariſe concerning the ſaid Clauſe;

The Officer or other Perſon killing a Slave ſo Reſiſting, &c. ſhall undergo a legal Trial,

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That nothing in the above recited Act contained, ſhall be conſtrued to indemnify any Officer, or other Perſon Killing any Slave or Slaves Reſiſting or refuſing to Surrender, from undergoing a legal Trial; any Thing contained in the ſaid Act to the contrary notwithſtanding: But that it ſhall and may be lawful for any Perſon, upon his or her Trial for Killing any Slave or Slaves, to give this, and the above recited Act, in Evidence, upon *Not Guilty* pleaded; and if it ſhall appear upon the Evidence, that ſuch Killing as aforeſaid was done in the lawful Execution, and in Purſuance of the aforeſaid Act, that then ſuch Perſon or Perſons, ſo Killing as aforeſaid in Purſuance and in the lawful Execution of the aforeſaid Act, ſhall be acquitted and diſcharged thereof, and from all Penalties, Forfeitures and Puniſhments for ſuch Killing as aforeſaid.

but may plead the General Iſſue, &c.

and the Public ſhall pay the Charges of Proſecution.

III. **And be it Enacted**, That where any Perſon or Perſons ſhall be Proſecuted for Killing a Slave or Slaves Reſiſting, as by the ſaid Act, entitled, *An Act for the more effectual Puniſhing of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meetings, and other Irregularities of Negroes and other Slaves*, That then, and in ſuch caſe, the Public of this Province ſhall pay ſuch Perſon or Perſons, all his Coſts and Charges, which he or they ſhall be at by Means of any ſuch Proſecution.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVII.

Paſſed 17th *Nov.* 1753.

An ACT to prevent Injuring the Navigation to *Baltimore-Town*, and to the Inſpecting Houſe at *Elk-Ridge* Landing, on *Patapſco* River. *Lib.* H.S. *fol.* 117.

Preamble.

WHEREAS it is repreſented to this General Aſſembly, That by Opening and Digging into the Banks of *Patapſco* River, for Iron Stone, large Quantities of Earth and Sand are thrown and waſhed into the ſaid River, and Navigable Branches thereof, by which Practice (if continued), the Channel of the ſaid River, and Navigable Branches aforeſaid, will, in a ſhort Time, be ſo filled up, that Veſſels of any Burthen muſt be prevented from coming into the beſt and moſt ſecure Harbours in the ſaid River, and the Navigation thereof greatly obſtructed: For Remedy of which Evil, it is prayed that it may be Enacted;

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End

End of this preſent Seſſion of Aſſembly, it ſhall not be lawful for any Perſon or Perſons, to put or lay, or to permit or allow his or their Servants or Slaves, or any Servants or Slaves under his or their Direction, to carry, put, or throw into the ſaid River, or any of the Navigable Branches thereof, any Earth, Sand, or Dirt, or to lay or put on the Beach or Shore of the ſaid River below common High-Water Mark, any Earth, Sand, or Dirt, unleſs ſuch Earth, Sand, or Dirt, be firſt well ſecured by Stone-Walls, Dove-Tailed Log Pens, or otherwiſe, ſo that no ſuch Earth, Sand, or Dirt, may Waſh into the ſaid River or Navigable Branches thereof, to fill up the Channel, or any Way Injure the Navigation of the ſaid River, or Navigable Branches thereof, as aforeſaid: And that every Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds Current Money; to be recovered before One Magiſtrate, as in caſe of ſmall Debts; one Moiety of ſuch Forfeiture to the Uſe of his Lordſhip the Lord Proprietary, for the Support of Government, the other to him, her or them that will ſue for the ſame.

CHAP. XXVII.

No Earth, Sand or Dirt to be thrown into, or put upon the Beach or Shore of *Patapſco* River, or any Navigable Branch thereof below High Water Mark, unleſs ſecured by Walls, &c. from waſhing into the River.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXVIII.

An ACT continuing an Act, entitled, * An additional Supplementary Act to the Act, entitled, An Act for Laying out, and Erecting a Town at a Place called *Long-Point*, on the Weſt ſide of *North-Eaſt* River, in *Cæcil* County. *Lib.* H.S. *fol.* 118.

Paſſed 17th *Nov.* 1753.

* 1750, *ch.* 12.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly of this Province, entitled, *An additional Supplementary Act to the Act, entitled, An Act for Laying out, and Erecting a Town at a Place called* Long-Point, *on the Weſt ſide of* North-Eaſt *River, in* Cæcil *County*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Eighth Day of *May*, *Anno Domini* One Thouſand Seven Hundred and Fifty, be, and is hereby made Perpetual.

The Act of 1750, *ch.* 12, made Perpetual.

II. **And** to the End that Proprietors of Water-Lots may be encouraged to build Wharfs, and other Conveniencies, for the better carrying on and promoting of Trade in the ſaid Town; **Be it further Enacted**, *by and with the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons having any Lot or Lots, or Part of any Lot or Lots, next adjoining to the Water in *Charles-Town* aforeſaid, to build and make ſuch Improvements as they ſhall think moſt convenient, as far as to the Channel of *North-Eaſt* River, not exceeding in Breadth the Water Front of ſuch Lot or Lots, or Portion, or Part of ſuch Lot or Lots, as ſhall belong to the Builder of ſuch Wharf or Wharfs, or other Conveniencies, and ſuch Builder or Builders ſhall have and enjoy as full and ample Right to that Part ſo Built on, as to any other Part or Parcel of his or their Lot or Lots.

Encouragement for building Wharfs, &c.

III. **Provided always**, That there ſhall be left Streets and Alleys convenient to the Water for public Uſe; and alſo, that the Owners of all ſuch Water Lots, ſo to be Improved, pay the Lord Proprietary the Rent of One Penny Current Money for every Acre ſo Improved, and ſo in Proportion for a greater or leſſer Quantity.

But Streets and Alleys to be left, &c.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. XXIX.

An Act to enable the Perſons therein named, to levy, aſſeſs, and apply, the [1] *Money therein mentioned. Lib.* H.S. *fol.* 119.

Paſſed 17th *Nov.* 1753.

[1] *Viz.* 20 *s.* Current Money for every Lot in *Cheſter-Town*, in *Kent* County, and 5 *l.* Current Money to be levied on the ſaid County, to be paid to the Commiſſioners in this Act named, and by

CHAP. XXIX. by them applied to purchaſe Fire Engines, &c. and to cauſe a Houſe to be built in a Place as convenient as may be, for the general Benefit of the Inhabitants of the Town, wherein to lodge ſuch Engines, &c.

CHAP. XXX.

Paſſed 17th *Nov.* 1753. *An Act impowering the Juſtices of* Prince-George's *County, to levy on the Taxable Inhabitants of the ſaid County, a* [m] *Sum of Tobacco, for the Uſes therein mentioned. Lib.* H.S. *fol.* 121.

[m] *Viz.* Not exceeding 3000 lb Tobacco, to purchaſe a Lot in *Upper-Marlborough* Town, whereon to build the new Priſon; it being apprehended, if it ſhould be built on the Court-houſe Lot, as directed by a former Act, in caſe it ſhould take Fire it might greatly endanger the Court-houſe and Records.

CHAP. XXXI.

Ditto. *An Act to enable the Juſtices of* Frederick *County, for the Time being, to levy on the Taxable Inhabitants of the ſaid County, a* [n] *Sum of Money, for the Uſes therein mentioned. Lib.* H.S. *fol.* 122.

[n] *Viz.* 210 *l.* Current Money for Finiſhing the Court-houſe; the Sum granted for that Purpoſe by 1748, *ch.* 15, being inſufficient.

CHAP. XXXII.

Ditto. *A Supplementary Act to the Act, entitled,* [o] *An Act impowering the Juſtices of* Baltimore *County Court to aſſeſs and levy a Sum of Current Money, and for other Purpoſes therein mentioned. Lib.* H.S. *fol.* 123.

[o] 1752, *ch.* 15, The Sum given by which Act being inſufficient for building the Chapel in *St. John's* Pariſh, the preſent Act impowered the Juſtices to levy a farther Sum of 70,000 lb Tobacco by Two equal Aſſeſſments, for that Purpoſe.

CHAP. XXXIII.

Ditto. *A Supplementary Act to an Act, entitled,* [p] *An Act to aid the Title of Purchaſers of Lots in* Princeſs-Anne *Town, in* Somerſet *County. Lib.* H.S. *fol.* 124.

[p] 1751, *ch.* 16. In which Act there being no Saving Clauſe to preſerve his Lordſhip's Quit-Rents; and Doubts having ariſen, whether the Right of Eſcheat which might happen to ariſe to his Lordſhip at any Time after the 15th *May* 1751, in the ſaid Lots, or any of them, be not by that Act extinguiſhed; it is Enacted by the preſent Act, That the ſaid Act of 1751, ſhall not bar or any Ways prejudice his Lordſhip's Right to the Quit-Rents, which ſhall iſſue or grow due out of any of the ſaid Lots, or Part of any Lot in the ſaid Town, &c. And that nothing in the ſaid Act ſhall bar or any Ways prejudice his Lordſhip's Right of Eſcheat which may have ariſen ſince the ſaid 15th *May* 1751, or which may hereafter ariſe of, in or to, any of the ſaid Lots, or Part of any of them, &c.

CHAP. XXXIV.

Ditto. *An Act for the Relief of* Daniel Hull, *a languiſhing Priſoner in* Talbot *County Goal. Lib.* H.S. *fol.* 126. *PR.*

CHAP. XXXV.

Ditto. *An Act for the Relief of* John Shubbard, *a languiſhing Priſoner in* Kent *County Goal. Lib.* H.S. *fol.* 129. *PR.*

CHAP. XXXVI.

Ditto. A Supplementary ACT to the Act, entitled, * An Act for the Relief of Creditors in *England* againſt Bankrupts who have imported any Goods into this Province, not accounted for. *Lib.* H.S. *fol.* 133.

* 1704, *ch.* 29.

Aſſignments, Conveyances, &c. from Perſons formerly trading to or reſiding in the Province, made by them when out of the Province, ſhall not be effectual before Security be given for Payment of Country Debts.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That no Aſſignment, Aſſurance, Conveyance, Deed, or any other Writing whatſoever, of any Goods, Chattels, Effects, Debts, Lands, Tenements, or Hereditaments whatſoever, that ſhall at any Time hereafter be made or executed, by any Perſon or Perſons Trading, or that ſhall hereafter Trade to this Province, and that ſhall reſide in *Great-Britain*, or elſewhere, out of this Province, at the Time of making or executing ſuch Aſſignment, Aſſurance, Conveyance, Deed, or other Writing whatſoever, ſhall be of any Force, Virtue or Effect, at Law or in Equity, until the Perſon or Perſons to whom ſuch Aſſignment, Aſſurance, Conveyance, Deed, or other Writing whatſoever, ſhall be made or executed, or his or their Agent or Agents, Attorney or Attorneys in Fact, or

or such other Person or Persons who shall Act by Commission or Direction from him or them, shall give his or their Bond or Obligation, with such Security therein, as shall be approved of and determined by the Chancellor of this Province, for the Time being, to pay and satisfy all and every the Debt and Debts, which such Person or Persons, making or executing such Assignment, Assurance, Conveyance, Deed, or other Writing, shall or may owe at the Time of entering into such Bond or Obligation as aforesaid, to all and every Person and Persons Living or Residing, or that shall Live or Reside within this Province, so far forth as the Goods, Chattels, Effects, Debts, Lands, Tenements, or Hereditaments, shall come to the Hands or Possession of such Agent or Agents, Attorney or Attorneys, or other Person or Persons, acting by Commission or Direction as aforesaid. CHAP. XXXVI.

II. **And be it further Enacted**, That such Bond or Obligation to be entered into for the Purpose aforesaid, shall be lodged with the Register of the Court of Chancery of this Province, for the Time being, to be by him kept and preserved among the Records and Proceedings of the said Court; and that every Creditor living and residing within this Province, of such Person or Persons making or executing such Assignment, Assurance, Conveyance, Deed, or Writing, as aforesaid, if he shall think fit, shall or may make Application to the Chancellor of this Province, for the Time being, for the Assignment of such Bond or Obligation to be entered into as aforesaid, and shall or may put the same Bond or Obligation in Suit against such Person or Persons to whom such Assignment, Assurance, Conveyance, Deed, or Writing, shall be made or executed, and his or their Sureties if need be, in any Court of Record within this Province, for any Neglect or Refusal to pay or satisfy unto such Creditor, such Sum or Sums of Money, or Tobacco, as shall or may be due unto him from such Person or Persons who shall make or execute such Assignment, Assurance, Conveyance, Deed, or Writing, at the Time when such Bond or Obligation shall be entered into as aforesaid. **Provided always**, That no such Bond or Obligation, to be given as aforesaid, shall be Good and Pleadable, or admitted in Evidence against any Person or Persons, after the Debt or Thing in Action, shall be above Three Years standing: Saving to all Persons that shall be under the Impediments of Infancy, Coverture, Insanity of Mind, Imprisonment, or beyond Sea, the full Benefit of all such Bonds or Obligations, for the Space of Three Years after such Impediment removed.

Such Bonds to be lodged and registered in the Chancery Office, and may on Application to the Chancellor be put in Suit.

Provided Suit be commenced within 3 Years, &c.

III. This Act to continue for Three Years, and unto the End of the next Session of Assembly, which shall happen after the Expiration of the said Three Years. Duration.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1757, *ch.* 8; and 1760, *ch.* 3, for 3 Years, &c. But by 1763, *ch.* 6, is made PERPETUAL.

CHAP. XXXVII.

An Act for securing and recovering the [q] *Money therein mentioned.* *Lib.* H.S. *fol.* 134. Passed 17th *Nov.* 1753.

[q] Several Sheriffs having received considerable Sums, on Account of Ordinary Licences, for the Use of the Public, which remained due from, and unpaid by them, to prevent the length of Time since the Receipt of such Money becoming a bar to Suits brought against them; It is hereby Enacted, That in any Action to be commenced on any Sheriff's Bond, or *Scire Facias*, to be Prosecuted upon any Judgment on such Bond for Money, &c. heretofore received by such Sheriff, on Account of Ordinary Licences, and for the Use of the Public, such Sheriff, his Heirs, &c. shall not be entitled to any Benefit of any Acts of Limitation.

CHAP. XXXVIII.

Passed 17th *Nov.* 1753.

An additional Supplementary ACT to the Act, entitled, * An Act for emitting and making Current Ninety Thousand Pounds Current Money of *Maryland*, in Bills of Credit. *Lib.* H.S. *fol.* 135.

* 1733, *ch.* 6.

Preamble.

WHEREAS the late Right Honourable *Charles* Lord *Baltimore*, Proprietor of this Province, by an Act, entitled, *An Act for emitting and making Current Ninety Thousand Pounds Current Money of* Maryland, *in Bills of Credit*, had the Truſt and Care of ſuperintending and directing the Conduct of the Truſtees in *London*, mentioned in the ſaid Act, or to be thereafter appointed, which Truſtees were by that Act directed, to take his Lordſhip's Inſtructions in all Matters relating to the purchaſing Bank Stock, and all other Matters relating to the Tranſactions therein directed: And whereas, by the Death of his Lordſhip, the Purchaſing of Bank Stock, and other Proceedings of the ſaid Truſtees may be retarded; this General Aſſembly, in full Hopes and Confidence of the Honour, Integrity, and Good-Will of his preſent Lordſhip, to his Tenants of this Province, humbly requeſt his Lordſhip to accept of the Truſt, Power and Authority, ſo by the ſaid Act lodged in his Noble Father: And likewiſe humbly pray that it may be Enacted:

The preſent Rt Honble Lord Proprietor inveſted with the ſame Power given by the Act of 1733, *ch* 6, to his late Lordſhip.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this Seſſion of Aſſembly, the Right Honourable *Frederick*, Lord Baron of *Baltimore*, Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, ſhall be, and he is hereby, inveſted with all and ſingular the Powers and Authorities in the ſaid Act, entitled, *An Act for emitting and making Current Ninety Thouſand Pounds Current Money of* Maryland *in Bills of Credit*, given to his late Lordſhip the Right Honourable the Lord Proprietary of this Province.

Examined and Compared with the Original Act; REVERDY GHISELIN, THOMAS BACON.

CHAP. XXXIX.

Paſſed 17th *Nov.* 1753.

An Act for the ſpeedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, *of the City of* Annapolis, *Printer*. *Lib.* H.S. *fol.* 136. *EXP.*

To be in Force till the 20th *December* 1755.

1754. At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, the 26th Day of *February*, and ended the 9th Day of *March*, in the 3d Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1754: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

Paſſed 9th *March* 1754.

A Supplementary Act to the Act, entitled, [a] *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees. Lib.* H.S. *fol.* 140. *EXP.*

[a] 1753, *ch.* 22, which Expired the 1st *December* 1763.

CHAP.

CHAP. II.

An Act impowering the Justices of Frederick *County Court, to levy on the Taxable Inhabitants of the said County, a Sum of Current Money for the* [b] *Uses therein mentioned. Lib.* H.S. *fol.* 141. Passed 9th *March* 1754.

[b] *George Gordon*, Esq; late Sheriff, having accounted with the Magistrates for 118*l.* Current Money, arising from Ordinary Licences and Fines on Breach of the Act for regulating Ordinaries, which the Magistrates were of Opinion belonged to the County, this Act impowered the Magistrates to levy the said Sum on the County, to be paid to the said *George Gordon*, &c.

At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, the 8th Day of *May*, and ended the 30th Day of the same Month, in the 4th Year of the Dominion of the Right Honourable FREDERICK, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini*, 1754: The following Laws were Enacted.

HORATIO SHARPE, Esq; Governor.

CHAP. III.

An additional Supplementary Act to the Act, entitled, [a] *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees. Lib.* H.S. *fol.* 142. *EXP.* Passed 30th *May* 1754.

[a] 1753, *ch.* 22, which expired the 1st *December* 1763.

CHAP. IV.

An Act to make it Penal to Forge or Counterfeit the Bills of Credit of Pennsylvania, New-York, East *or* West Jerseys, *or the Three Lower Counties on* Delaware, *called* New-Castle, Kent, *and* Sussex; *or to utter or tender the same in Payment within this Province, knowing them to be such. Lib.* H.S. *fol.* 145. *EXP.* Ditto.

To be in Force 3 Years, &c. A new Law made 1758, *ch.* 3.

CHAP. V.

An Act for building a Prison in Frederick *County. Lib.* H.S. *fol.* 146. *OBS.* Ditto.

By this Act the Commissioners of the Loan Office were directed to pay, on Demand, to the Justices of *Frederick* County, 400*l.* in Bills of Credit, for the Purpose aforesaid.

CHAP. VI.

An Act to enable the Justices of St. Mary's *County, to levy a Quantity of* [b] *Tobacco on the Taxable Inhabitants of* King and Queen *Parish, in the said County, for the Purposes therein mentioned. Lib.* H.S. *fol.* 147. *OBS.* Ditto.

[b] *Viz.* 22000lb Tobacco for Repairing *Chaptico* Church.

CHAP. VII.

An Act impowering the Rector, Vestry-men and Church-wardens of Port-Tobacco *Parish, in* Charles *County, for the Time being, to purchase a Quantity not exceeding Two Acres of Land, and thereon to build a Chapel of Ease in the said Parish; and to impower the Justices of the said County to levy on the Taxable Inhabitants of the said Parish,* [c] *a Quantity of Tobacco for the Uses therein mentioned. Lib.* H.S. *fol.* 148. *OBS.* Ditto.

[c] *Viz.* 11000lb Tobacco in *November* 1754, and 33000lb Tobacco in *November* 1755, exclusive of the Sheriff's Salary, to be paid to the Vestry, &c. and by them be applied to the aforesaid Purchase and Building, at a Place called the *Ivy-Spring*, on a Branch called the *Dressing-Branch*, near the Pines, &c.

CHAP. VIII.

A Supplementary Act to an Act, entitled, [d] *An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* H.S. *fol.* 149. *OBS.* Ditto.

[d] 1753, *ch.* 39.

N. B. This Act impowered the several Sheriffs to pay Mr. *Green* the Money levied for Printing, &c. the Votes of *October* Session 1753, which had not been delivered according to the Directions of the Original Act, by the First of *March* last.

At

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 17th, and ended the 25th Day of *July*, in the 4th Year of the Dominion of the Right Honourable FREDERICK, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1754: The following Laws were Enacted.

HORATIO SHARPE, Esq; Governor.

CHAP. IX.

Passed 25th *July* 1754.

An Act for his Majesty's Service. Lib. H.S. *fol.* 152. *EXP.*

N. B. By this Act, the Commissioners of the Loan Office were directed to pay 4000 *l.* 8 *s.* Currency, the Treasurer of the Western Shore [a] 900 *l.* Currency, and the Treasurer of the Eastern Shore [a] 1099 *l.* 12 *s.* Currency, amounting in the Whole to 6000 *l.* Currency, to his Excellency HORATIO SHARPE, Esq; for his Majesty's Service, towards the Defence of the Colony of *Virginia*, then attacked by the *French* and *Indians*; and for the Relief and Support of the Wives and Children of the *Indian* Allies that put themselves under the Protection of this Government. For the Re-placing of which the following Duties were laid, in Current Money:

[a] See 1762, *ch.* 24, §. 9.

N° 1. On every Hawker, Pedlar, or Petty-Chapman, travelling with Goods, from Place to Place, for Sale, within this Province, — — *Four Pounds* } *per Annum.*

N° 2. On all Coaches, Chairs, Chaises, Chariots, and such like Carriages, belonging to, and used by Inhabitants of this Province, per Wheel, *Five Shillings* } *per Annum.*

[b] Discontinued by 1756, *ch.* 5.

N° 3. On all Servants imported to serve for 7 Years, or upwards, [b] 20 *Shillings*

N° 4. On all Servants imported to serve by Indenture, or Custom of the Country, for a less Term than Seven Years (*Germans*, or other Aliens, coming from any Part of the United Provinces, or *Flanders*, excepted) — *Five Shillings* } per Poll.

N° 5. On all Negroes imported, over and above all former Duties, &c. 10 *Shillings*

[c] Discontinued by 1756, *ch.* 5.

N° 6. On all *Madeira* Wine imported, — — — [c] *Two Pence* per Gallon.

N° 7. On Ordinary Licences, over and above the Duty imposed thereon by the Act of 1746, *ch.* 1, — — — — — *Twenty Shillings* } *per Annum.*

The Duty on Hawkers, &c. (N° 1,) was to be paid into the Hands of the several County Clerks to whom such Hawkers, &c. should apply for Licence; the Licences to be renewed yearly, under the County Seal, and the Clerk to receive 5 *s.* Fee for each Licence so granted.

The Duty on Wheels of Coaches, &c. (N° 2,) to be paid yearly into the Hands of the respective Sheriffs.

The Duties on Servants, Negroes, and Wine, (N° 3 to 6,) to be paid by the Importers to the respective Naval Officers.

All the before mentioned Duties were to be accounted annually by the several Officers appointed to receive the same, and paid to the Commissioners of the Loan Office, deducting thereout an allowance of $2\frac{1}{2}$ per Cent.

The additional Duty on Ordinary Licences, (N° 7,) to be paid and accounted for in the Manner as directed in the Act of 1746, *ch.* 1.

Such Parts of the said Act of 1746, *ch.* 1, as related to Ordinary-Keepers, and granting of Ordinary Licences, &c. were hereby continued until such Time as the Purposes of that Act, and those of the Act of 1746, *ch.* 10, should be fully answered; and also until such Time as the 6000 *l.* hereby granted, should be raised and paid to the Commissioners of the Loan Office; who were directed to keep distinct Accounts thereof. And in case, during the Continuance of the present and the aforesaid recited Act, more Money than the said 6000 *l.* should be raised or paid into the Loan Office, then the Surplus, &c. to be applied to the Public Expences of the Province, as the General Assembly should direct, &c.

This Act was to continue in Force from the 1st *August* 1754, till the said 6000 *l.* should be replaced to the Commissioners of the Loan-Office, and to the End of the next Session of Assembly. And it was farther continued by 1756, *ch.* 5, (such Parts thereof excepted as were thereby repealed, and such as related to the Duty on Servants imported for the Term of Seven Years and upwards) from and after the several Purposes therein mentioned should be fully compleated, until the Sum of 40000 *l.* by that Act raised, should be fully paid and replaced into the Loan Office, and until the End of the next Session of Assembly. So that it totally expired on the 26th *November* 1763.

CHAP. X.

Passed 25th *July* 1754.

An Act continuing an Act, entitled, [d] *An Act for Punishment of Horse-Stealers, and other Offenders. Lib.* H.S. *fol.* 158. *EXP.*

[d] 1744, *ch.* 20, hereby continued 3 Years, &c.

CHAP. XI.

Ditto.

An Act continuing an Act, entitled, [e] *An Act for destroying of Wolves in* Frederick *County. Lib.* H.S. *fol.* 159. *EXP.*

[e] 1751, *ch.* 3, hereby continued 3 Years, &c.

CHAP.

CHAP. XII.

An Act continuing an Act, entitled, [f] *An Act for the more effectual Punishment of certain Offenders; and for taking from them the Benefit of Clergy.* *Lib.* H.S. *fol.* 159. EXP. — Passed 25th July 1754.

[f] 1737, *ch.* 2, hereby continued 3 Years, &c.

CHAP. XIII.

An Act continuing an Act, entitled, [g] *An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices.* *Lib.* H.S. *fol.* 160. EXP. — Ditto.

[g] 1748, *ch.* 7, hereby continued 3 Years, &c.

CHAP. XIV.

An Act continuing an Act, entitled, [h] *A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on* Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province.* *Lib.* H.S. *fol.* 160. EXP. — Ditto.

[h] 1735, *ch.* 6, hereby continued 3 Years, &c.

CHAP. XV.

An Act continuing an Act, entitled, [i] *An Act to make the Testimony of convicted Persons, legal against convicted Persons.* *Lib.* H.S. *fol.* 161. EXP. — Ditto.

[i] 1751, *ch.* 11, hereby continued 3 Years, &c.

CHAP. XVI.

An Act continuing an Act, entitled, [k] *An Act to exempt Persons appearing at Musters from Arrests in Civil Cases.* *Lib.* H.S. *fol.* 161. EXP. — Ditto.

[k] 1748, *ch.* 1, hereby continued 3 Years, &c.

CHAP. XVII.

An Act continuing an Act, entitled, [l] *An additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves.* *Lib.* H.S. *fol.* 161. EXP. — Ditto.

[l] 1748, *ch.* 19, hereby continued 3 Years, &c.

CHAP. XVIII.

An Act continuing an Act, entitled, [m] *An additional and explanatory Act to the Act, entitled, An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.* *Lib.* H.S. *fol.* 162. EXP. — Ditto.

[m] 1748, *ch.* 20, hereby continued 3 Years, &c.

CHAP. XIX.

An Act continuing an Act, entitled, [n] *An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves.* *Lib.* H.S. *fol.* 162. EXP. — Ditto.

[n] 1751, *ch.* 14, hereby continued 3 Years, &c.

CHAP. XX.

An Act continuing an Act, entitled, [o] *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horse-Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings; and also one other Act, entitled,* [p] *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horse-Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings.* *Lib.* H.S. *fol.* 163. EXP. — Ditto.

[o] 1747, *ch.* 17. [p] 1752, *ch.* 14: Hereby continued 3 Years, &c.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 12th, and ended the 24th Day of *December*, in the Fourth Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1754: The following Law was Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. XXI.

Paſſed 24th *Dec.* 1754. *An Act for taking and detaining able bodied Men for his Majeſty's Service. Lib.* H.S. *fol.* 165.

So much of this Act as relates to the raiſing and levying Men, to be in Force for One Year, and no longer.

In §. III, of this Act, which is ſtill in Force, it is Enacted, That "if any Perſon or Perſons "enliſted by Virtue of this Act, or otherwiſe, within this Province, ſhall be ſo maimed or "wounded in his Majeſty's Service, as to be rendered incapable of maintaining themſelves; he "or they ſhall, upon his or their Return, be ſupported at the Public Expence: Provided ſuch "Perſons, at the Time of their Enliſting, were Reſidents within this Province."

1755. At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 22d Day of *February*, and ended the 26th Day of *March*, in the 4th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1755: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

Paſſed 26th *March* 1755. *An Act directing the Commiſſioners of the Currency Office, ſpeedily to call in the Intereſt due on Bonds and other Securities, and all Monies due on Funds payable into the ſaid Office. Lib.* H.S. *fol* 168. *OBS.*

N. B. By this Act, the Commiſſioners were directed to give public Notice in the *MARYLAND* GAZETTE, "That the ſeveral Debtors to the Office, whether for Money collected "upon Funds, or for Intereſt upon Bonds, &c. ſhould pay the Sums ſo due into the ſaid Office, "by the 1st of *June* next enſuing;" and, if not then paid in, immediately to proceed to the Recovery of Principal and Intereſt due on ſuch Bonds, according to the Act of 1747, *ch.* 23, and of other Securities, and Money collected upon Funds as aforeſaid, according to Law. A Modus of Proceeding was likewiſe preſcribed for the Sale of Goods, Chattels, Lands or Tenements, taken in Execution at the Inſtance of the Commiſſioners, by *Fieri facias* or Attachment, *viz.* The Sheriff or Coroner (after Ten Days Notice thereof, by Advertiſement ſet up in the moſt Public Places in the County, for the Sale of Goods and Chattels; and Thirty Days Notice as aforeſaid, and Publication thereof in the *MARYLAND* GAZETTE, for the Sale of Lands and Tenements) ſhould proceed to ſet the ſame to Sale in the moſt public Manner to the higheſt Bidder, for Bills of Credit; and, after diſcharging the Office Claims and Coſts of Suit out of the Money ariſing by the Sale, to return the Overplus to the Defendant or Debtor.

CHAP. II.

Ditto. *An Act for the Continuance of Proceſs in* Baltimore *County Court. Lib.* H.S. *fol.* 170. *OBS.*

CHAP.

CHAP. III.

An Act to impower and direct the Clerk of Baltimore *County Court, to Record among the said County Records, a Deed of Bargain and Sale from* Isaac Johns, *deceased, to* Robert Adair. *Lib.* H.S. *fol.* 171. *PR.* Passed 26th *March* 1755.

CHAP. IV.

An Act to aid a defective Entry of the late Deputy-Clerk of Prince George's *County, in the Recording of a Deed of Bargain and Sale from* John Wheeler, *to* William Hutchinson. *Lib.* H.S. *fol.* 173. *PR.* Ditto.

CHAP. V.

An Act for regulating the Rates of Carriage, and Quartering Soldiers in Public Houses within this Province, for his Majesty's Service. Lib. H.S. *fol.* 175. *EXP.* Ditto.

To be in Force for 6 Months, and to the End of the next Session of Assembly.

CHAP. VI.

An Act to prevent the People of this Province from supplying the French, *or their* Indian *Allies, with Ammunition, Warlike Stores, or Provisions of any Kind. Lib.* H.S. *fol.* 176. *EXP.* Ditto.

To be in Force till 20th *June* 1755. A new Law made this present Year, *ch.* 16.

CHAP. VII.

An Act for the Relief of Inspectors, and Owners of Tobacco, and Others, who have suffered by Means of extraordinary Rains, and high Tides, and other Defects in the [a] *Inspection Law. Lib.* H.S. *fol.* 180. *EXP.* Ditto.

[a] 1753, *ch.* 22, which Expired the 1st *December* 1763.

At a Session of ASSEMBLY begun and held at the City of *Annapolis*, the 23d Day of *June*, and ended the 8th Day of *July*, in the 5th Year of the Dominion of the Right Honourable FREDERICK, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1755: The following Laws were Enacted.

HORATIO SHARPE, Esq; Governor.

CHAP. VIII.

An Act to impower Anne Chambers, *Widow, to sell certain Lands, which* Samuel Chambers *late of* Anne-Arundel *County, died possessed of, in Fee-simple, for Payment of his Debts. Lib.* H.S. *fol.* 183. *PR.* Passed 8th *July* 1755.

CHAP. IX.

An Act continuing an Act, entitled, [a] *An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, to limit Costs with respect to Witnesses, and for settling their Allowance as to itinerant Charges. Lib.* H.S. *fol.* 185. *EXP.* Ditto.

[a] 1749, *ch.* 2; hereby continued 3 Years, &c.

CHAP. X.

An Act continuing an Act, entitled, [b] *An Act for the destroying Squirrels and Crows in the several Counties therein mentioned. Lib.* H.S. *fol.* 186. *EXP.* Ditto.

[b] 1752, *ch.* 9; hereby continued 3 Years, &c.

CHAP. XI.

An Act continuing an Act, entitled, [c] *An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as Witness against any Person Arrested, Accused or Prosecuted for any Criminal Matter. Lib.* H.S. *fol.* 187. *EXP.* Ditto.

[c] 1752, *ch.* 13; hereby continued 3 Years, &c.

C H A P. XII.

Passed 8th *July* 1755. *An Act continuing an Act, entitled,* [d] *An Act to prevent disabled and superannuated Slaves being set Free; or the Manumission of Slaves by any Last Will or Testament. Lib.* H.S. *fol.* 187. *EXP.*

[d] 1752, *ch.* 1; hereby continued 3 Years, *&c.*

C H A P. XIII.

Ditto. *An Act continuing an Act, entitled,* [e] *An Act for the more effectual destroying Squirrels and Crows in the Counties of* Kent, Queen-Anne's, *and* Talbot; *and for destroying Red Foxes in the said Counties. Lib.* H.S. *fol.* 188. *EXP.*

[e] 1749, *ch.* 9; hereby continued 3 Years, *&c.*

C H A P. XIV.

Ditto. *An Act for purchasing Two Acres of Land in the upper Part of* Worcester *Parish, in* Worcester *County, and building a Chapel of Ease thereon. Lib.* H.S. *fol.* 188. *OBS.*

C H A P. XV.

Ditto. *An Act for building a Church in* St. Mary's-White-Chapel *Parish, in* Dorchester *County. Lib.* H.S. *fol.* 189. *OBS.*

C H A P. XVI.

Ditto. *An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the* French *or their Allies. Lib.* H.S. *fol.* 190. *EXP.*

To be in Force till the 6th *January* 1756: Revived and continued 1756, *ch.* 1, till the 1st *March* 1757; and by 1756, *ch.* 24, continued till the 10th *May* 1757. A new Law made 1757, *ch.* 16.

C H A P. XVII.

Ditto. *An Act for the Relief of* Thomas Lambden, *and* Nathan Brittingham, *languishing Prisoners in* Worcester *County Goal*; Thomas Todd, Jasper Hall, *and* Daniel Wells, *languishing Prisoners in* Anne-Arundel *County Goal*; Benjamin Berry, *a languishing Prisoner in* Prince George's *County Goal*; *and* Thomas Reynolds, *a languishing Prisoner in* Frederick *County Goal*; *and* Edward Dogan, *a languishing Prisoner in* Baltimore *County Goal. Lib.* H.S. *fol.* 193. *PR.*

C H A P. XVIII.

Ditto. *An Act to impower* John Greenriff Howard, *of* Baltimore *County, Planter, to Dock the Entail of Two Hundred and Forty-nine Acres of Land, Part of a Tract of Land called* Harborough, *lying in* Anne-Arundel, *and to sell and convey the same in Fee-simple; and to entail other Lands of equal Value in lieu thereof. Lib.* H.S. *fol.* 198. *PR.*

1756. At a Session of ASSEMBLY, begun and held at the City of *Annapolis*, the 23d Day of *February*, in the 5th Year of the Dominion of the Right Honourable FREDERICK, absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 22d Day of *May*, in the 6th Year of his Lordship's Dominion, *Annoq*; *Domini* 1756: The following Laws were Enacted.

HORATIO SHARPE, Esq; Governor.

C H A P. I.

Passed 1st *March* 1756. *An Act reviving and continuing an Act, entitled,* [a] *An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the* French *or their Allies. Lib.* H.S. *fol.* 203. *EXP.*

[a] 1755, *ch.* 16.

CHAP.

CHAP. II.

An Act for the Adjournment and Continuance of Talbot *and* Dorchester *County Courts.* *Lib.* H.S. *fol.* 203. *OBS.* Passed 1st *March* 1756.

CHAP. III.

An Act for the Adjournment and Continuance of Frederick *County Court.* *Lib.* H.S. *fol.* 204. *OBS.* Passed 13th *March* 1756.

CHAP. IV.

An Act for the Adjournment and Continuance of Queen-Anne's *County Court.* *Lib.* H.S. *fol.* 206. *OBS.* Passed 22d *March* 1756.

CHAP. V.

An Act for granting a Supply of Forty Thousand Pounds, for his Majesty's Service; and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof, in Bills of Credit; and raising a Fund for sinking the same. *Lib.* H.S. *fol.* 207. *EXP.* Ditto.

Supplementary and other Acts relating hereto, are 1756, *ch.* 19, and 23; 1757, *ch.* 1; 1758, *ch.* 1, 5, and 17; 1760, *ch.* 9; and 1763, *ch.* 29.

N. B. The general Purposes of this Act being (as set forth in the Preamble) "To raise "large Supplies for his Majesty's Service, towards securing and protecting the Frontier of this "Province, and engaging the Friendship and Assistance of the Southern Tribes of *Indians*, and "for repelling and removing his Majesty's ambitious and perfidious Enemies, from their unjust "Encroachments on these his Dominions," the Commissioners of the Loan Office were directed,

1. To emit in Bills of Credit, then Signed in the Office but not Circulated, and deliver the same to the Persons herein after mentioned, —	£. 4015 : 6 : 0
2. To pay out of any other Bills of Credit already Circulated, and now remaining in, or hereafter to be received into the said Office, a farther Sum of — — — — — — — — —	5984 : 14 : 0
3. And also to emit and pay into the Hands of the said Persons, in Bills of Credit, to be struck according to the Directions of this Act, —	30000 : 00 : 0
Amounting in the whole to £.	40000 : 00 : 0

All which Bills of Credit, emitted by Virtue of this Act, to be upon the same Footing of Currency, in Payment with the Paper Money of 1733, *ch.* 6, *&c.* and, after Re-placing the 5984*l.* 14*s.* before mentioned, then all Bills of Credit received into the Office by Virtue of this Act, to be retained, *&c.* and burnt every Session of Assembly, before the Committee appointed for that Purpose, till the full Sum of 34015*l.* 6*s.* be destroyed.

The above mentioned 40000*l.* to be applied in Manner following, *viz.*

(1.) To the building a Fort, and any Number not exceeding Four Block-Houses on the Western Frontier; and for raising, paying, arming, supporting, *&c.* Troops, not exceeding 200 Men (Officers included) to keep Garrison therein, *&c.* In which to be included the Agents Commissions, and 750*l.* already drawn out of the Office by two Ordinances this present Session, a Sum not exceeding, — — — — — — — — —	[b] £. 11000	[b] A farther Sum of 2400*l.* appropriated to this Use by 1756, *ch.* 19.
(2.) To engaging the Assistance, *&c.* of the Southern *Indians*, and defraying the Expences of two Commissioners (*viz.* the Hon^ble^ Col. *Benjamin Tasker*, and *Charles Carroll*, junior, Esq;) nominated to be sent from this Province to Treat with the said *Indians*, in Conjunction with Commissioners from *Pennsylvania*, *Virginia*, and *North-Carolina*, such Sum as shall be necessary (including the Agents Commissions, and 250*l.* to the said two Commissioners) not exceeding,	[c] 3000	[c] Applied to other Uses by 1757, *ch.* 1.
(3.) To paying any Inhabitants of this Province, or *Indian* Allies, for Scalps of *Indian* Enemies, or *Indian* Prisoners by them brought in, at 10*l.* per Scalp or Prisoner (including Agents Commissions) a Sum not exceeding, —	[d] 1000	[d] See 1756, *ch.* 19.
(4.) To the carrying on any Expedition, *&c.* undertaken by this Province for his Majesty's Service, in Conjunction with the aforesaid Governments, *&c.* (including Commissions to the Agents,) — — — — —	[e] 25000	[e] 17530*l.* 2*s.* 8*d.* Part of this Sum was applied to other Uses by 1756, *ch.* 19, and the remaining 7469*l.* 17*s.* 4*d.* by 1757, *ch.* 1.
	£. 40000	

The Agents appointed, (*viz.* Messieurs *William Murdock*, *James Dick*, and *Daniel Wolstenholme*) were allowed a Commission of 2½ per Cent on all Sums by them received and applied in virtue of this Act.

For Re-placing the 5984*l.* 14*s.* and Sinking the 34015*l.* 6*s.* raised by this Act, the following Duties were laid, *viz.*

N° 1. An Excise on all Spirits imported or distilled within this Province, from foreign Materials, of — — — — —	*Four Pence*,
N° 2. ——— on all Wines imported, except from *Great-Britain*,	*Six Pence*,
N° 3. ——— on all *Madeira* Wine already imported, on which the Duty of Two Pence per Gallon (imposed by the Act of 1754, *ch.* 9,) hath been already paid — — — — — — — —	*Four Pence*,
N° 4. ———on all Spirits distilled from the Produce of this Province, and Sold by Retail — — — — — —	*Two Pence*,
N° 5. A Duty on all Batchelors of 25 Years of Age and upwards, worth 100*l.* and under 300*l.* — — — — — —	*Five Shillings*,
N° 6. ——— If worth 300*l.* or upwards — —	*Twenty Shillings*,
N° 7. For every Billiard Table within this Province —	*Three Pounds*,

per Gallon. — per *Annum*.

N° 8. For every Horse, Mare, Colt, or Gelding, brought from any other Colony, and Sold, Bartered, or Exchanged within this Province, 40*s.*

CHAP. V.

N° 9. A Land Tax on all Free-hold Eſtates, including his Lordſhip's Manors, *&c.* per 100 Acres — — — — — *One Shilling,* } *per Annum.*
N° 10. ——If belonging to Papiſts, per 100 Acres — *Two Shillings,* }
N° 11. For every Appeal prayed, or Writ of Error, *Habeas Corpus*, or *Certiorari*, iſſued out, 2*s.* 6*d.*
N° 12. For every Writ of Entry *ſur Diſſeiſin en le Poſt*, ſued out, 5*s.*
N° 13. For every Original Writ iſſuing out of the Court of Chancery, except Writs of Entry, 1*s.*
N° 14. For *Subpœna* iſſued out of Chancery, 1*s.*
N° 15. For every *Capias ad reſpondendum*, in Civil Actions, iſſuing out of the Provincial Court, 1*s.*
N° 16. For the ſame, iſſuing out of the County Court, 6*d.*
N° 17. For every Citation, iſſuing out of the Prerogative Court, 1*s.*
N° 18. For every Indenture, Conveyance, Leaſe or Deed-Poll, Recorded in the Provincial or County Courts, 1*s.*
N° 19. For every Charter-Party, Bond, Bill, or other obligatory Inſtrument under Seal of the Party, and Stamped with the County Seal, (without which all ſuch Inſtruments were declared Void,) 6*d.*
N° 20. An additional Duty on every Negro Imported, over and above all former Duties, 20*s.*
N° 21. A Duty on all Pitch or Turpentine Imported, per Barrel, 1*s.* 6*d.*
N° 22. —— on all Tar Imported, per Barrel, 1*s.*

The Sheriffs to collect the Exciſe on Liquors (N° 1, to 4,) and to have a Commiſſion of 10 per Cent; and the Tax on Batchelors, (N° 5 and 6,) at 5 per Cent Commiſſion; alſo the Tax on Billiard Tables, (N° 7,) at $2\frac{1}{2}$ per Cent Commiſſion.

The Tax on Horſes (N° 8,) to be collected by the ſeveral County Clerks, if brought in by Land: But if brought in by Water, then to be paid to the Naval Officer of the Diſtrict: Commiſſion $2\frac{1}{2}$ per Cent.

The Receivers of his Lordſhip's Quit-Rents to collect the Land Tax, (N° 9 and 10,) at a Commiſſion of 10 per Cent. And the Keeper of the Rent-Roll to be allowed $2\frac{1}{2}$ per Cent, on the net Balances, for examining and paſſing their Accounts.

The Clerks of the ſeveral Offices to receive the Duties on Writs, *&c.* (N° 11, to 19,) and to be allowed $2\frac{1}{2}$ per Cent.

The Naval Officers to receive the Duties on Negroes, Pitch, *&c.* (N° 20, to 22,) at a Commiſſion of $2\frac{1}{2}$ per Cent.

The ſeveral Duties impoſed by the Act of 1754, *ch.* 9, (except the Duty on Servants imported for Seven Years and upwards, and except the Duty on *Madeira* Wine) with all the Clauſes relative thereto; and alſo the ſeveral Parts of the Acts of Aſſembly, (*viz.* 1746, *ch.* 1, and *ch.* 10.) therein mentioned, were continued in full Force, from and after the ſeveral Purpoſes in the ſaid Acts mentioned, are fully anſwered, until the aforeſaid Sum of 40000 *l.* ſhould be thereby, and by the Ways and Means in this Act directed, repaid into the Loan Office, and to the End of the next Seſſion of Aſſembly; but 2 *d.* per Gallon, Part of the 6 *d.* per Gallon on all Wines imported, (N° 2,) to be applied to the Uſes of the Act of 1754, *ch.* 9, till the 6000 *l.* therein mentioned, ſhould be repaid; and then the whole 6 *d.* per Gallon to be applied to the Uſes of this Act.

In caſe more Money ſhould be raiſed, during the Continuance of this Act, than 40000 *l.* *&c.* then the Overplus to be applied towards the Diſcharge of the Public Expences of this Province, as the General Aſſembly ſhould direct.

But to provide againſt any Deficiency, certain Commiſſioners were appointed, to meet at the Loan Office on the Firſt Monday in *Auguſt* 1760, and inſpect the State of the Funds, and make an Eſtimate of what the ſeveral Taxes laid in this Act, *&c.* would amount to in Five Years, allowing the 5th Year's Collection to be equal to the averaged Rate of the 4 preceding Years. And if it ſhould thereby appear that the 40000 *l.* would not be replaced, *&c.* by the Ways and Means in this Act, *&c.* by the 20th *June* 1761, then the ſaid Commiſſioners were to aſcertain what Rate by Way of additional Land Tax would be ſufficient to make good the Deficiency, adding thereto 500 *l.* and make out Certificates thereof to the ſeveral Collectors of the Land Tax, to be by them collected, *&c.* in the ſame Manner as herein before impoſed.

This Act to continue in Force for 5 Years, and to the End of the next ſucceeding Seſſion, and no longer, except with Regard to ſuch Bills of Credit, ſtruck by virtue thereof, as muſt unavoidably remain in Circulation after deſtroying the Bills paid into the Office as herein directed: Which Bills are declared to remain Current, and to be diſcharged in Sterling Bills in the ſame Manner as the Currency ſtruck under the Act of 1733, *ch.* 6. It was farther continued by 1760, *ch.* 9, (in order to eaſe the Land-holders from the great and unequal Burthen which muſt neceſſarily have been laid on them by the additional Land Tax) until the 20th *June* 1763, and to the End of the next Seſſion, when it expired, *viz.* on the 26th *November* 1763. But the Powers of the Officers to collect Arrears of the ſaid Taxes were continued till the 29th *September* 1764, by the Act of 1763, *ch.* 29.

CHAP.

CHAP. VI.

An ACT for the Continuance of Proceſs in *Cæcil* County *March* Court, and to cure ſome Defects that may have happened in the Proceedings of the ſeveral County Courts of this Province: And for the explaining an Act of Aſſembly, entitled, * An Act appointing certain Days, on which the ſeveral and reſpective County Courts within this Province are to be held. *Lib.* H.S. *fol.* 253.

Paſſed 22d *May* 1756.

* 1715, *ch.* 14.

N. B. The firſt Five Sections of this Act (relating only to the Continuance of Proceſs in *Cæcil* County, notwithſtanding the Diſcontinuance of the ſaid Court, occaſioned by the Severity of the Weather, ſo that a ſufficient Number of Juſtices could not meet on the 12th *March* to hold a Court according to Adjournment) are of no farther Uſe. The remaining Sections are as follow.

Doubts on the Conſtruction of the Act of 1715, *ch.* 14.

VI. AND whereas by an Act of Aſſembly made at a Seſſion of Aſſembly, begun and held at *Annapolis*, on the Twenty-ſixth Day of *April*, in the Year of our Lord Seventeen Hundred and Fifteen, entitled, *An Act for appointing certain Days on which the ſeveral and reſpective County Courts within this Province are to be held*, it is, amongſt other Things, Enacted, That any Two Juſtices of the ſeveral and reſpective County Courts, one to be of the Quorum, ſhould have full Power and Authority, when and as often as Need ſhould require, to Adjourn the ſaid County Courts, Proceſs, and Proceedings therein depending, to ſuch ſhort Time after as they ſhould ſee convenient: And whereas ſome Doubts have ariſen, Whether by Virtue of the ſaid Act, the Two Juſtices aforeſaid (one of the Quorum) have Power to Adjourn a County Court to the Court in Courſe; as alſo, Whether by Virtue of that Act, the Two Juſtices (one of the Quorum) have Power to call a County Court; and whether ſeveral County Courts may not, by one or both of the Means aforeſaid, have been diſcontinued, and the Proceſs and Proceedings therein ended and finiſhed, and ſuch as were then undetermined, may not have been thereby rendered null and void; To remove which ſeveral Doubts for the future;

Two County Juſtices, one being of the Quorum, may (in caſe of Neceſſity) call or adjourn the County Court, on the Day to which it hath been adjourned.

But not tranſact any other Buſineſs.

VII. **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful to and for any Two Juſtices of every County, one of them to be of the Quorum, in Caſe of Neceſſity, to prevent the Diſcontinuance of their reſpective County Courts, and for no other End or Purpoſe whatſoever, to Call ſuch County Court on the Day to which the ſame ſhall have been Adjourned, and alſo for the like Neceſſity, and for the ſame Reaſon, and no other, to Adjourn any County Court to any future Time not ſubſequent to the Day by the above mentioned Act appointed for the Meeting of the Court in Courſe. **Provided always**, That no Buſineſs or Proceedings whatſoever, relative to ſuch County Court, other than the Calling or Adjourning as aforeſaid, ſhall be had, done, or tranſacted, in or by any Court ſo as aforeſaid by Two Magiſtrates called, unleſs, after the Meeting at ſuch Court of ſuch Number of Magiſtrates, and ſo qualified, as ſhall be by the Commiſſions of the Peace for each County reſpectively directed.

All former Proceedings of County Courts made valid, notwithſtanding Diſcontinuance by Miſcalling, &c. under the former Act.

VIII. **And be it further Enacted**, *by the Authority aforeſaid*, That all and every County Court, and all Proceſs and Proceedings whatſoever therein reſpectively had and tranſacted, which may, at any Time heretofore have been Diſcontinued, by either a Miſcalling or Miſadjourning, or a defective Calling or Adjourning, as aforeſaid, and which have, notwithſtanding ſuch a Diſcontinuance, proceeded to the tranſaction of Buſineſs, and hearing and determining of Suits, Indictments, or other Proſecutions or Proceſs whatſoever, that in all ſuch Caſes the Judgments and other Deciſions, Buſineſs, Proſecutions, Proceſs, and other Proceedings, done and tranſacted by ſuch Courts reſpectively, ſhall be, and they are hereby declared to ſtand and be, to all Intents, Conſtructions, and Purpoſes, as good, valid, and effectual, as

if

CHAP. VI. if no ſuch Diſcontinuance had happened; ſuch Diſcontinuance, or any Law, Uſage, or Cuſtom, to the contrary thereof, in any wiſe, notwithſtanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP. VII.

Paſſed 22d *May* 1756.

A Supplementary Act to the Act, entitled, [f] *An Act impowering the Juſtices of* Worceſter *County to levy on the Taxable Inhabitants of* All-Hallows *Pariſh, a Sum of Tobacco; and for other Purpoſes therein mentioned. Lib.* H.S. *fol.* 257. *OBS.*

[f] 1748, *ch.* 6.

The Sum of 80000 lb Tobacco granted by the Original Act not being ſufficient to finiſh the Church already begun at *Snow-Hill*, the Juſtices were by this Act impowered to levy 45000 lb Tobacco on the Taxable Inhabitants of the ſaid Pariſh for that Purpoſe, by Five equal and annual Aſſeſſments, *viz.* 9000 lb Tobacco excluſive of the Sheriff's Salary) every Year from 1756 to 1760, both incluſive, payable in Current Money at 12 *s.* 6 *d.* per Hundred, *&c.*

CHAP. VIII.

Paſſed 22d *May* 1756.

An Act impowering the Juſtices of Somerſet *County to levy, not exceeding Twenty Thouſand Pounds of Tobacco, upon the Taxable Inhabitants of the ſaid County, for the* [g] *Uſe therein mentioned. Lib.* H.S. *fol.* 258. *REP.*

[g] *Viz.* For making a Cauſeway thro' *Vienna* Marſh: A new Law was made the ſubſequent Seſſion this preſent Year, *ch.* 20, whereby this Act is repealed.

CHAP. IX.

Ditto. An ACT for Quieting the Differences that have ariſen, and may hereafter ariſe, between the Inhabitants of this Province and the ſeveral *Indian* Nations, and for puniſhing Treſpaſſes committed on their Lands. *Lib.* H.S. *fol.* 260.

Preamble. WHEREAS the ſeveral Laws of this Province do not ſufficiently provide for Quieting the Differences that have ariſen, and may hereafter ariſe, between the Inhabitants of this Province, and the ſeveral *Indians* now in Amity with them, or Puniſhing Treſpaſſes committed on their Lands: For Remedy whereof,

County Courts impowered to determine in a ſummary Way all perſonal Controverſies between Inhabitants and *Indians*, where the Value exceeds 20 Shillings Sterling.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of the ſeveral County Courts, in this Province, be, and are hereby authorized and impowered to hear and determine, in a ſummary Manner, upon Petition exhibited to them, all Manner of Controverſies and Differences, Claims and Demands, of what Nature or Kind ſoever, which have happened, and not yet determined, or may hereafter happen or ariſe between the ſaid Inhabitants, and *Indians*, in private and perſonal Controverſies, and award Judgment thereon, ſo always as the ſame exceed the Value of Twenty Shillings Sterling, and the Perſon or Perſons againſt whom ſuch Complaint be made, be ſummoned to anſwer the ſame, or ſhall voluntarily appear thereto; and the ſaid Juſtices ſhall and may iſſue Execution or Executions on ſuch their Judgment, with Coſts of Suit, as in other Caſes.

And all Diſputes concerning the Rents of the *Indians* Lands.

III. **And whereas** divers Perſons, notwithſtanding the Laws of this Province to the contrary, have Rented of the ſaid *Indians* divers Parcels of their ſaid Lands, and ſettled thereon, and yet, notwithſtanding, refuſe to pay them the Rents agreed to be paid: And whereas it is highly juſt and reaſonable that thoſe Perſons, who have held and occupied the ſaid Lands, under Agreement to pay Rent for the ſame, ſhould pay the Rents ſo agreed for, according to their Contracts; **Be it Enacted**, *by and with the Authority, Advice, and Conſent aforeſaid*, That the Juſtices of the ſeveral County Courts aforeſaid, ſhall and may, and are hereby authorized and impowered, to hear and determine all ſuch Complaints, and give Judgment thereon to the ſaid *Indians*, for the Rents agreed to be paid, with Coſts, in a ſummary Manner, as before by this Act is directed, and ſhall and may award Execution thereon; any Law or Cuſtom to the contrary thereof notwithſtanding.

IV. And

CHAP. IX.

IV. **And whereas** divers Persons have committed divers Trespasses and Wastes on such of the said *Indians* Lands, which have not been granted to any of the Inhabitants of this Province, by falling, mauling, and carrying away the Timber off from such Land, and refuse to pay and satisfy the said *Indians* for the same: For Remedy whereof; **Be it Enacted**, That the Justices of the County Courts where the said Lands do lie, are hereby impowered and directed, upon Complaint to them made by the said *Indians* of any Trespasses as aforesaid, that have been committed, or that shall or may at any Time hereafter be committed, on such of the aforesaid *Indian* Lands, and making the same appear by the Oath of one sufficient Evidence, to issue their Warrant to the Sheriff of the said County, thereby commanding him to summon a Jury of at least Eighteen good and lawful Freeholders of his County, to appear on the Lands aforesaid, at a certain Day therein to be appointed, who shall then there, upon their Oath (to be administered to them by the said Sheriff) diligently Enquire into, and true Presentment make of all such Wastes and Trespasses committed on the said Lands by the Person or Persons complained against, and shall assess the Damages and true Value of the same: And the said Sheriff shall then and there take an Inquisition thereof, under the Hands and Seals of the said Jurors, or any Twelve of them that shall agree, and the same, under his Hand and Seal, shall return to the Justices of the next County Court, and the said Sheriff shall, and is hereby directed to Summon and Swear to the same Jurors, all such Witnesses as may be required: At which said next Court, if the Person or Persons so charged, shall not shew unto the Justices of the said Court, sufficient and legal Cause why the said Court should not proceed to give Judgment on such Inquisition, then the Justices of the same Court shall give Judgment thereon to the said *Indians*, for the Damages mentioned in such Inquisition, and shall award Execution thereon, as in other Cases; and the said Person or Persons, against whom Judgment on such Inquisition shall be given, shall, and is hereby obliged to pay unto the several Officers, their legal Fees, and to each of the said Jurors who shall pass on the Enquiry aforesaid, the Sum of Fifteen Pounds of Tobacco for each Day's Attendance; to be recovered and levied as Officers Fees are collected and levied.

And also to give Judgment, &c. for Waste or Trespass committed on their Lands.

The Damages to be assessed by a Jury, summoned to enquire, &c.

Officers Fees and Jurors Allowance.

V. **And** to prevent any Person hereafter holding any of the said *Indian* Lands, under Pretence of Renting the same, contrary to the Laws of this Province; **Be it Enacted**, That any Two Justices of the Peace in the County where the Lands lie, shall, and are hereby impowered, upon Complaint to them made by the said *Indians*, of any Persons holding their said Lands, under Pretence of Renting the same of the said *Indians*, or who shall enter into the same without their Permission, to go upon the said Lands, and view the same, and if they find the said Complaint to be true, to issue their Warrant to the Sheriff of the County, to put out such Person or Persons holding the same, and deliver full and peaceable Possession thereof to the said *Indians*; and the said Person or Persons, against whom such Warrant shall be so issued, shall pay unto each of the said Justices for their Trouble therein, the Sum of Sixty-four Pounds of Tobacco; and to the Sheriff, such legal Fees as in other Cases for Serving Writs of Possession, he may charge; to be recovered by Warrant, before one Justice of the Peace, as in case of small Debts.

Two County Justices impowered, on Complaint, to give peaceable Possession of Lands to the *Indians* unduely held from them.

Magistrates and Sheriffs Fees.

VI. **Provided nevertheless, and be it Enacted**, That any Person or Persons, against whom any Judgment in any Court, by virtue of this Act, shall be given, shall have the Right of Appealing to the Provincial Court of this Province, he or they giving Security as in other Cases. But no such Judgment shall be Reversed for want of judicial Process, or that the same was not Tried by any Jury, or any Matter or Form, either in the Entry or giving Judgment, if it appears by the Record that the Defendant was legally Summoned or Appeared, and was not Condemned unheard.

But Appeal may be made to the Provincial Court.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

CHAP.

CHAP. X.

Passed 22d May 1756. *An Act continuing an Act, entitled, An Act directing the Manner of Paniſhing Fornication and Adultery before a ſingle Juſtice of the Peace, out of Court.* *Lib.* H.S. *fol.* 263. *EXP.*

[h] 1752, *ch.* 2, hereby continued 3 Years, &c.

CHAP. XI.

Ditto. *An Act for the Relief of certain languiſhing Priſoners, in the ſeveral County Goals therein mentioned.* *Lib.* H.S. *fol.* 264. *PR.*

CHAP. XII.

Ditto. A Supplementary ACT to the Act, entitled, * An Act for Repairing the Public Roads in this Province. *Lib.* H.S. *fol.* 270.

* 1753, *ch.* 16.

Preamble. WHEREAS it is repreſented to this General Aſſembly, That ſeveral Perſons, in Evaſion of an Act of Aſſembly, entitled, *An Act for Repairing the Public Roads in this Province,* made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Second Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, have, ſince the Paſſing the ſaid Act, Built Mills, and Erected Dams for ſuch Mills, on Branches or Runs below the Places where Public or Main Roads croſſed ſuch Branches or Runs, by Means whereof the Waters are ſo ſtopped and interrupted in their Courſe, that the Public or Main Roads are become unpaſſable, to the great Prejudice of all thoſe who have Occaſion to paſs and uſe ſuch Roads:

Owners of Mills built below Places where Public Roads croſs, ſo as to injure or obſtruct the Road, ſhall make Bridges and Cauſeways over the Branches where the Road croſſes, and keep them in Repair.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That where any Perſon or Perſons, have, ſince the Second Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, Built, or ſhall hereafter Build or Erect, any Mill, on any Branch or Run below the Places where Public or Main Roads did or ſhall croſs ſuch Branch or Run, and by the Building and Erecting of ſuch Mill, or the Dam for the ſame, the Public or Main Road which croſſed or ſhall croſs the Branch or Run as aforeſaid, is, or ſhall be any Way hurt or injured, or the Paſſage therein any Way obſtructed or rendered difficult or incommodious, ſuch Perſon or Perſons, or the Owner, Poſſeſſor, or Occupier, of ſuch Mill or Mills, ſhall, and they are hereby obliged, by the laſt Day of *October* next, where ſuch Mill or Mills have already been Built, or within Three Months after the Building of any other Mill or Mills, ſtopping or impeding the Courſe of the Water as aforeſaid, to make good and ſufficient Bridges and Cauſeways, Twelve Feet wide at the leaſt over the ſaid Branches or Runs, at the Places where the Public or Main Roads croſſed ſuch Branches as aforeſaid, and the ſame Bridges maintain and keep in good Repair, under the Penalty of Twenty Pounds Current Money, and the like Sum for every Two Months Neglect thereafter; one Half thereof to be applied towards defraying the Charge of the County where ſuch Neglect ſhall happen, the other Half to him or them that ſhall inform or ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Penalty for Neglect.

But ſhall not work upon any other Part of the Road.

III. Provided, That ſuch Perſon or Perſons, Owner or Owners, Poſſeſſor or Occupier of ſuch Mill or Mills, ſhall not be obliged to ſend his or their Taxable Perſons, who ſhall reſide in the Precinct of ſuch Public Road, to work on any Part of ſuch Road, except on ſuch Bridge and Cauſeway as aforeſaid.

Duration. IV. This Act to be in Force during the Continuance of the above recited Act, and no longer.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1758, *ch.* 14; and 1762, *ch.* 17.

CHAP.

CHAP. XIII.

An ACT for preventing *Indians* diſaffected to the *Britiſh* Intereſt in *America*, from coming into this Province as Spies, or on any other evil Deſign. *Lib.* H.S. *fol.* 272.

Paſſed 22d *May* 1756.

WHEREAS it is repreſented to this General Aſſembly, that *Indians*, not in Friendſhip or Alliance with his Majeſty's Subjects, and eſpecially ſome of thoſe *Nanticoke Indians*, who ſome Years ago left their uſual Place of Reſidence, and went to the Weſtward, have lately fixed Cabbins, under Pretence of Hunting in different Places of this Province, where they have behaved very inſolently, and have even intimated that they have been active in ſome of the horrid Cruelties committed laſt Summer by the Savages on the Frontiers of the neighbouring Provinces: And as it is apprehended that no ſtrange *Indian* would, at this Time of open War, come into this Province, unleſs with a View to get Information, and give Intelligence to our Enemies, or on ſome other ill Deſign; In order therefore, to diſcover any ſuch who may be lurking about hereafter,

Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the ſeveral Conſtables of the reſpective Hundreds, wherein any *Indian* Town within this Province doth lay, ſhall, before the Twentieth Day of *June* next, and ſo Yearly and every Year, go to the *Indian* Town or Towns, within his Hundred, and require the Chief *Indian* or Great Man of the ſaid Town, to give him an exact Account of the Names both *Indian* and *Engliſh*, Sexes, and Ages of all the *Indians*, belonging to the ſaid Town; and the ſaid Conſtable, from ſuch Account, ſhall make a fair Liſt, diſtinguiſhing each Sex and Age by different Columns; *That is to ſay*, Men, Women, Boys, and Girls, and their reſpective Ages; and the ſame ſhall deliver to the Clerk of the reſpective County, who ſhall enter the ſame among his Land Records without Fee or Reward. And if the Chief *Indian* or Great Man of the Town, ſhall, upon Application of the Conſtable, refuſe or delay to give an Account as aforeſaid, the Conſtable ſhall immediately inform the Chief Juſtice of the County wherein ſuch Town ſhall lay, who ſhall iſſue his Warrant to the ſaid Conſtable to take ſuch Chief *Indian* or Great Man, and bring him before him to anſwer for ſuch Refuſal or Delay; and if the ſaid *Indian* Chief or Great Man, ſhall not give the ſaid Juſtice a ſatisfactory Reaſon for ſuch Refuſal or Delay, the ſaid Juſtice is hereby required to commit ſuch *Indian* Chief or Great Man to Priſon, there to remain until he ſhall give ſuch Account, and pay the Fees ariſing on ſuch Commitment.

Conſtables of Hundreds wherein any *Indian* Town lies, ſhall take an Account annually of the *Indians* thereto belonging.

The Chief *Indian* of ſuch Town refuſing to give ſuch Account, may be taken into Cuſtody, and committed to Priſon.

III. **And be it further Enacted**, That when any *Indian* ſhall have Occaſion to go from the Town to which he or ſhe belongs, he or ſhe ſhall apply to ſome Juſtice of the Peace of the County wherein ſuch Town ſhall lay, for a Paſs, who is hereby obliged to give one without Fee or Reward, wherein ſhall be expreſſed ſuch *Indian*'s Name, both *Indian* and *Engliſh*, and Age, the Town to which he or ſhe belongs, and an accurate perſonal Deſcription, to which Paſs the County Clerk ſhall make the proper Certificate, and affix the County Seal, without Fee or Reward. And if any Perſon ſhall diſcover an *Indian*, without ſuch Paſs as aforeſaid, Ten Miles diſtant from the Town to which he or ſhe belongs, it ſhall and may be lawful for ſuch Perſon to ſeize ſuch *Indian*, and carry him or her before the next Juſtice of the Peace, who ſhall commit ſuch *Indian* to Priſon, unleſs he or ſhe can make appear to what Town he or ſhe properly belongs, there to remain until he or ſhe can fully make appear the ſame; and when ſuch *Indian* ſhall have made appear to ſuch Juſtice that he or ſhe does belong to ſome one Town in this Province, or is in Friendſhip and Alliance with his Majeſty's Subjects of *America*, then the ſaid Juſtice is hereby required to make out his Warrant to the Sheriff to diſcharge

Indians travelling from their Towns, ſhall take out Paſſes.

If diſcovered without a Paſs at Ten Miles Diſtance from their reſpective Towns, may be ſeized, and committed.

CHAP. XIII. charge ſuch *Indian*, and the Fees ariſing due to the ſaid Sheriff, on ſuch Commitment, ſhall be aſſeſſed in the Public Levy of this Province.

But ſhall not extend to Ambaſſadors, &c. of the Six Nations. IV. **Provided**, That nothing in this Act ſhall be deemed or conſtrued to hinder or reſtrain any *Indian* or *Indians*, belonging to any of the Six Nations, from travelling or paſſing as Ambaſſadors or Meſſengers from any of the ſaid Six Nations, to the Governor, or Commander in Chief of this Province, for the Time being; any Thing in this Act to the contrary notwithſtanding.

Duration. V. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued 1760, *ch.* 5; and 1763, *ch.* 7, for 3 Years, &c.

CHAP. XIV.

Paſſed 22d *May* 1756. *An Act for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* H.S. *fol.* 274. *EXP.*

To be in Force till the 20th *December* 1757. Continued by 1757, *ch.* 16, till the 20th *December* 1758, and then expired, with its Supplementary Act of 1756, *ch.* 22. A new Law made 1760, *ch.* 8.

CHAP. XV.

Ditto. *An Act to impower the Juſtices of the ſeveral County Courts, to make Proviſion for the late Inhabitants of* Nova-Scotia; *and for Regulating their Conduct. Lib.* H.S. *fol.* 279. *EXP.*

To be in Force one Year. Continued by 1757, *ch.* 7, till the 10th *May* 1758, and then expired.

CHAP. XVI.

Ditto. *An Act for the Aſſeſſment and Payment of the Public Charge of this Province. Lib.* H.S. *fol.* 283. *OBS.*

CHAP. XVII.

Ditto. *An Act to veſt certain entailed Lands therein mentioned, in the Female Heirs of* Leonard Holyday, *Gent. in Fee-ſimple. Lib.* H.S. *fol.* 285. *PR.*

CHAP. XVIII.

Ditto. *An Act to impower and direct the Clerk of* Anne-Arundel *County, to Record among the ſaid County Records, a Deed of Bargain and Sale, from* Thomas Larkin, *deceaſed, to* John Jordain, *deceaſed. Lib.* H.S. *fol.* 287. *PR.*

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, the 14th Day of *September*, and ended the 9th Day of *October*, in the 6th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini* 1756: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. XIX.

Paſſed 9th *Oct.* 1756. *An Act for his Majeſty's Service, and further Defence and Security of this Province. Lib.* H.S. *fol.* 291. *OBS.*

N. B. No Expedition having been undertaken by this Province, in Conjunction with the neighbouring Colonies, towards which a Sum of 25000*l.* had been appropriated by the Act of 1756, *ch.* 5; This Act directs the ſeveral Sums following (Part of the ſaid 25000*l.*) to be applied to the Purpoſes hereafter mentioned, *viz.*

1. To

1. To the Expences of Enlisting, Victualling, &c. Three Hundred Men for the ROYAL-AMERICAN Regiment, and for Purchasing Wheat, and conveying it to *New-York*, for the Use of his Majesty's Forces under the Command of the Earl of *Loudoun*, — — — — —	£. 5000 : 0 : 0	CHAP. XIX.
2. To the [a] Payment for Scalps of *Indian* Enemies, or live Enemies, taken or killed within this Province, &c. (at 50*l.* each) by Persons not being in the Pay of this Province as Soldiers, — — — —	3000 : 0 : 0	[a] See 1763, *ch.* 2.
3. To the raising, cloathing, supporting, &c. One Hundred Men (Officers included) to be incorporated with the 200 Men already raised by the Act of 1756, *ch.* 5, and to be continued on Foot till the 10th *April* next: One Third Part at least, of the whole 300 Men to be employed as Rangers, for the Protection of the Frontier Inhabitants. Which Soldiers were entitled to 30*l.* for every *Indian* Scalp or Prisoner by them taken, &c.	3400 : 0 : 0	
4. Towards compleating *Fort-Frederick*, and for Payment and Subsistence of the Garrison, — — — — — — —	2400 : 0 : 0	
5. To the purchasing Arms and Ammunition, for the Maintaining a Magazine for the better Defence of this Province, and to be distributed as the Governor should appoint, — — — — —	3100 : 0 : 0	
6. To his Excellency *Horatio Sharpe*, Esq; to reimburse him the Charge of Subsisting and Paying the Rangers employed last Spring on the Frontier,	620 : 2 : 8	
Amounting in the whole, to	£. 17530 : 2 : 8	

This Act appropriated such Part as remained unapplied of the 1000*l.* appointed by the Act of 1756, *ch.* 5, for the Payment of 10*l.* each for *Indian* Scalps and Prisoners, to the Uses of N° 2, above mentioned, and repealed that Part of the aforesaid Act.

The Agents appointed by that Act, were impowered, on a written Order from the Governor, to draw, &c. for the Sums above mentioned (except That of N° 6; which was to be paid by the Commissioners of the Loan-Office to his Excellency) and were allowed a Commission of Three per Cent, &c.

CHAP. XX.

An Act impowering the Justices of Somerset *County, to levy, not exceeding Twenty Thousand Pounds of Tobacco, upon the Taxable Inhabitants of said County, to be applied to the* [b] *Purpose therein directed. Lib.* H.S. *fol.* 296. — Passed 9th *Oct.* 1756.

[b] *Viz.* For the making and compleating a Road and Causeway through *Vienna* Marsh in the said County, from the fast Land down to the River *Nanticoke*, opposite to *Vienna* Town in *Dorchester* County: The said Causeway to have a sufficient Foundation of Wood, to be raised to a Height not to be overflowed by the Water from the said River, and 12 Feet Wide at least at the Top, well Sanded, with one or more Turning Places thereon. The said Justices to appoint an Overseer, with a sufficient Number of the adjacent Inhabitants under his Direction, to keep the same in good Repair as other Roads ought to be kept, without any further Tax upon the County, under the like Penalties for Neglect or Omission of Duty as other Overseers and People under them now are by the Laws in Force relating to Public Roads, &c. The Act of 1756, *ch.* 8, is hereby repealed.

CHAP. XXI.

An Act for the [c] *Relief of sundry of the Inhabitants of* Charles *County. Lib.* H.S. *fol.* 298. *OBS.* — Ditto.

[c] *Viz.* To make good, by a County Levy, to the several Proprietors, the Damage done to their Inspected Tobaccoes, lying in *Piles*'s Warehouse in *Charles* County, which was blown down by a most violent Hurricane on the 20th *June* 1756, &c.

CHAP. XXII.

A Supplementary Act to the Act, entitled, [d] *An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer. Lib.* H.S. *fol.* 299. *EXP.* — Ditto.

[d] 1756, *ch.* 14, which expired the 20th *December* 1758.

CHAP. XXIII.

A Supplementary Act to an Act, entitled, [e] *An Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof, in Bills of Credit; and raising a Fund for sinking the same. Lib.* H.S. *fol.* 301. *OBS.* — Ditto. [e] 1756, *ch.* 5.

N. B. The Original Act of 1756, *ch.* 5, having not been published in sundry Parts of the Province, timely enough for the People to make due Entry of the Liquors in their Possession, or Vestries to meet for making Lists of Batchelors, &c. the present Act gave farther Time for those Purposes, and exempted them from the Penalties thereby incurred, &c.

CHAP. XXIV.

An Act for further continuing an Act, entitled, [f] *An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the* French, *or their Allies. Lib.* H.S. *fol.* 303. *EXP.* — Passed 9th *Oct.* 1756.

[f] 1755, *ch.* 16, hereby continued till the 10th *May* 1757.

At a Seſſion of ASSEMBLY, begun and held at *Baltimore-Town*, in *Baltimore* County, on Friday the Eighth Day of *April*, in the Sixth Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c.* and ended the 9th Day of *May* following, in the 7th Year of his Lordſhip's Dominion, *Annoq; Domini*, 1757: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

Paſſed 9th *May* 1757. *An Act for his Majeſty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province. Lib.* H.S. *fol.* 305. *EXP.*

N. B. By this Act, the Sum of 7469 *l.* 17 *s.* 4 *d.* the remaining Part of the 25000 *l.* granted by 1756, *ch.* 5, towards carrying on an Expedition to the Weſtward, which was yet unapplied; (See 1756, *ch.* 19,) and a farther Sum of 3000 *l.* granted by the ſame Act, for engaging the Aſſiſtance, *&c.* of the Southern *Indians*, amounting in the Whole to 10469 *l.* 17 *s.* 4 *d.* was appropriated to the Raiſing, Cloathing, Paying, *&c.* of 500 Men (including thoſe under the Command of Col. *Dagworthy*) to be paid, *&c.* from the 10th *April* 1757.

Such Parts of the Act of 1756, *ch.* 5, as related to the Grant of 3000 *l.* to be employed in engaging the Aſſiſtance of the Southern *Indians*, were hereby repealed.

The Agents appointed by the Act of 1756, *ch.* 5, were continued for the Purpoſes in this Act mentioned, and to have a Commiſſion of Three per Cent.

Soldiers Enliſting in this Service, on producing a Certificate of their good Behaviour therein, were exempted from all Levies, Labouring on Highways, and Ferriages, for 3 Years, *&c.* And if Maimed in the Service, were entitled to a yearly Penſion, out of the Public Levy, according to their Diſability of getting a Livelihood; they procuring from the County Court a Certificate, that the Party petitioning for ſuch Penſion, is an Object of Charity, and deſerves to have ſuch Allowance.

This Act to continue in Force till the 25th *December* 1757.

CHAP. II.

Ditto. *An Act continuing an Act, entitled,* [a] *An Act for the Advancement of Juſtice. Lib.* H.S. *fol.* 316. *EXP.*

[a] 1753, *ch.* 2, hereby continued 3 Years, *&c.*

CHAP. III.

Ditto. *An Act continuing an Act, entitled,* [b] *An Act for Relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law; and for continuing the* [c] *Supplementary Act thereto. Lib.* H.S. *fol.* 317. *EXP.*

[b] 1714, *ch.* 4: [c] 1728, *ch.* 24: Hereby continued 3 Years, *&c.*

CHAP. IV.

Ditto. *An Act continuing an Act, entitled,* [d] *An Act to remedy ſome Evils relating to Servants. Lib.* H.S. *fol.* 318. *EXP.*

[d] 1750, *ch.* 5, hereby continued 3 Years, *&c.*

CHAP. V.

Ditto. *An Act continuing an Act, entitled,* [e] *A Supplementary Act to the Act, entitled, An Act aſcertaining the Height of Fences; to prevent the Evil occaſioned by the Multitude of Horſes, and reſtraining Horſe-Rangers within this Province; and to redreſs the great Evil accruing to this Province by the Multitude of uſeleſs Horſes, Mares and Colts that run in the Woods. Lib.* H.S. *fol.* 319. *EXP.*

[e] 1750, *ch.* 25, hereby continued 3 Years, *&c.*

CHAP. VI.

Ditto. *An Act continuing an Act, entitled,* [f] *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine; and Tare of Barrels for Flour or Bread. Lib.* H.S. *fol.* 319. *EXP.*

[f] 1745, *ch.* 15, hereby continued 3 Years, *&c.*

CHAP.

CHAP. VII.

An Act continuing an Act, entitled, [z] *An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of* Nova-Scotia, *and for regulating their Conduct. Lib.* H.S. *fol.* 320. *EXP.* — Passed 9th *May* 1757.

[z] 1756, *ch.* 15, hereby continued till the 10th *May* 1758.

CHAP. VIII.

An Act continuing an Act, entitled, [h] *A Supplementary Act to the Act, entitled, An Act for the Relief of Creditors in* England, *against Bankrupts who have imported Goods into this Province, not accounted for. Lib.* H.S. *fol.* 321. *EXP.* — Ditto.

[h] 1753, *ch.* 36, hereby continued 3 Years, *&c.*

CHAP. IX.

An Act continuing an Act, entitled, [i] *An Act to prevent Masters of Ships and Vessels, from clandestinely carrying Servants and Slaves, or Persons Indebted, out of this Province. Lib.* H.S. *fol.* 322. *EXP.* — Ditto.

[i] 1753, *ch.* 9, hereby continued 3 Years, *&c.*

CHAP. X.

An Act continuing an Act, entitled, [k] *An Act to prevent Persons from Secreting Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise, from Landings or Moorings. Lib.* H.S. *fol.* 322. *EXP.* — Ditto.

[k] 1753, *ch.* 10, hereby continued 3 Years, *&c.*

CHAP. XI.

An Act continuing an Act, entitled, [l] *An Act for the speedy Recovery of small Debts, out of Court, before one Justice of the Peace. Lib.* H.S. *fol.* 323. *EXP.* — Ditto.

[l] 1753, *ch.* 13, hereby continued 3 Years, *&c.*

CHAP. XII.

An Act for Leasing out Part of the Prison Land in Dorchester *County. Lib.* H.S. *fol.* 324. — Ditto.

N. B. By this Act, (1.) The Justices of *Dorchester* County, or the Majority of them, are impowered to Lease out, upon the best Terms they can, all the Land reserved for the Use of the County Prison, except Half an Acre; first giving Public Notice of their Intention so to do, by Notes set up in the most Public Places of the County. (2.) The said Justices to see that the Rent reserved in such Lease be annually paid, and applied to the County Charges. (3.) Before executing such Lease, the said Justices shall lay out Half an Acre of the said Land, most convenient for the Prison, which shall still be reserved for the Use thereof.

CHAP. XIII.

An Act for [m] *Relief of sundry Inhabitants of* All-Hallows *Parish, in* Worcester *County. Lib.* H.S. *fol.* 325. *EXP.* — Ditto.

[m] *Viz.* By giving them Liberty to pay the Clergy, Lawyers, and Officers Fees, by the 20th *May* this Year.

CHAP. XIV.

An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants enlisted into his Majesty's Service. Lib. H.S. *fol.* 326. *EXP.* — Ditto.

To be in Force 3 Years. Expired 9th *May* 1760.

CHAP. XV.

An Act for the Relief of certain languishing [n] *Prisoners, in the several County Goals therein mentioned. Lib.* H.S. *fol.* 327. *PR.* — Ditto.

[n] Viz. *Thomas Gay, George Benson, James Horn,* and *Alexander M'Mullen,* in *Worcester* County Goal; *Thomas Webb, John Bateman,* and *William Matherly,* in *Anne-Arundel* County Goal; *Pearce Tracey, John Barnet, Bigger Head, Jacob Tracey,* and *Thomas Thompson,* in *Frederick* County Goal; *James Fanning, Thomas Cloak, Edmund Law, Charles Mooney, Nicholas Seymour,* and *Nathaniel Wright,* in *Queen-Anne's* County Goal; *John Talbot,* senior, in *Baltimore* County Goal; and *Nicholas Dawson,* in *Prince-George's* County Goal.

CHAP. XVI.

An Act for the speedy Payment of sundry [o] *Persons therein mentioned. Lib.* H.S. *fol.* 331. *PR.* — Ditto.

[o] *Viz.* Dr. *David Ross, Samuel Chapman, Andrew Staiger, William Nicholson, Nicholas Rogers, Daniel Barnett, John Ridgley, Robert Tives, James Richard, Frederick Freeman, Anne Spoon,* and *Tobias Stansbury.*

CHAP. XVII.

An Act to prevent the Exportation, or carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, *or their Allies. Lib.* H.S. *fol.* 333. *EXP.* — Ditto.

To continue in Force till the last Day of *August* 1757.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on Wedneſday the 28th Day of *September*, and ended the 16th Day of *December*, in the 7th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq; Domini*, 1757: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. XVIII.

Paſſed 16th *Dec.* 1757.

A Supplementary Act to an Act, entitled, [a] *An Act to enable the Juſtices of* Baltimore *County Court, to aſſeſs and levy on the Taxable Inhabitants of* St. George's *Pariſh, in that County, a Sum of Money for the Uſes therein mentioned.* *Lib.* H.S. *fol.* 338. *OBS.*

[a] 1750, *ch.* 7.

N. B. By this Act, the Juſtices were impowered to levy 550*l.* Current Money, by two equal Aſſeſſments, *viz.* in *November* Courts, 1757 and 1758, for Finiſhing their Church. But not paſſing the Seals till after *November* Court 1757, a farther Supplementary Act, in Aid thereof, was made 1758, *ch.* 2.

CHAP. XIX.

Paſſed 16th *Dec.* 1757.

An Act continuing an Act, entitled, [b] *An additional and explanatory Act to the Act, entitled, An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco to defray the neceſſary Charges of their Counties and Pariſhes.* *Lib.* H.S. *fol.* 339. *EXP.*

[b] 1748, *ch.* 20, hereby continued 3 Years, &c.

CHAP. XX.

Ditto.

An Act continuing an Act, entitled, [c] *An Act for deſtroying Wolves in* Frederick *County.* *Lib.* H.S. *fol.* 339. *EXP.*

[c] 1751, *ch.* 3, hereby continued 3 Years, &c.

CHAP. XXI.

Ditto.

An Act continuing an Act, entitled, [d] *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horſe-Races near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourſe of Negroes and other Slaves, during the ſaid Meetings; and alſo one other Act, entitled,* [e] *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horſe-Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourſe of Negroes and other Slaves, during the ſaid Meetings.* *Lib.* H.S. *fol.* 340. *EXP.*

[d] 1747, *ch.* 17: [e] 1752, *ch.* 14: Hereby continued 3 Years, &c.

CHAP. XXII.

Ditto.

An Act continuing an Act, entitled, [f] *A Supplementary Act to an Act, entitled, An Act laying an Impoſition on Negroes, and ſeveral Sorts of Liquors imported; and alſo on* Iriſh *Servants, to prevent the Importing too great a Number of* Iriſh *Papiſts into this Province.* *Lib.* H.S. *fol.* 340. *EXP.*

[f] 1735, *ch.* 6, hereby continued 3 Years, &c.

CHAP. XXIII.

Ditto.

An Act continuing an Act, entitled, [g] *An Act to enable the ſeveral and reſpective County Clerks within this Province, to remove ſome of the County Records and Papers from the Public Offices.* *Lib.* H.S. *fol.* 341. *EXP.*

[g] 1748, *ch.* 7, hereby continued 3 Years, &c.

CHAP. XXIV.

Ditto.

An Act continuing an Act, entitled, [h] *An Act for the more effectual Puniſhment of certain Offenders, and for taking from them the Benefit of Clergy.* *Lib.* H.S. *fol.* 342. *EXP.*

[h] 1737, *ch.* 2, hereby continued 3 Years, &c.

CHAP.

C H A P. XXV.

An Act continuing an Act, entitled, [l] *An Additional Supplementary Act, to the Act, entitled, An Act relating to Servants and Slaves.* *Lib.* H.S. *fol.* 342. *EXP.* Passed 16th *Dec.* 1757.

[l] 1748, *ch.* 19, hereby continued 3 Years, *&c.*

C H A P. XXVI.

An Act continuing an Act, entitled, [k] *An Act for Puniſhment of Horſe-Stealers, and other Offenders.* *Lib.* H.S. *fol.* 343. *EXP.* Ditto.

[k] 1744, *ch.* 20, hereby continued 3 Years, *&c.*

C H A P. XXVII.

An Act continuing an Act, entitled, [i] *An Act for the more effectual Puniſhment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves.* *Lib.* H.S. *fol.* 343. *EXP.* Ditto.

[i] 1751, *ch.* 14, hereby continued 3 Years, *&c.*

C H A P. XXVIII.

An Act continuing an Act, entitled, [m] *An Act to exempt Perſons appearing at Muſters from Arreſts in Civil Caſes.* *Lib.* H.S. *fol.* 344. *EXP.* Ditto.

[m] 1748, *ch.* 1, hereby continued 3 Years, *&c.*

C H A P. XXIX.

An Act continuing an Act, entitled, [n] *An Act to make the Teſtimony of convicted Perſons, Legal againſt convicted Perſons.* *Lib.* H.S. *fol.* 344. *EXP.* Ditto.

[n] 1751, *ch.* 11, hereby continued 3 Years, *&c.*

C H A P. XXX.

An Act to prohibit raiſing of Swine and Geeſe in Frederick-Town, *in* Frederick *County.* *Lib.* H.S. *fol.* 345. Ditto.

N. B. By this Act, (1.) No Perſon whatſoever, living within the ſame Town, ſhall, on any Pretence, keep or ſupport within the ſame Town, any Swine or Geeſe belonging to themſelves or others, unleſs within their own Incloſures. (2.) If any Perſon living in the ſaid Town, ſhall ſuffer any Swine or Geeſe, belonging to themſelves, or under their Care, to go at large within the ſaid Town, it ſhall be lawful for any Perſon to ſhoot or deſtroy ſuch Swine or Geeſe ſo found at large. (3.) Perſons ſued for ſhooting or deſtroying ſuch Swine or Geeſe as aforeſaid, may plead the General Iſſue, and give this Act, and the Special Matter in Evidence.

C H A P. XXXI.

An Act for ſuppreſſing Plumb-Point *Warehouſe, in* Calvert *County.* *Lib.* H.S. *fol.* 345. *EXP.* Ditto.

N. B. This Act being founded on the Inſpection Law of 1753, *ch.* 22, fell, together with it, on the 1st *December* 1763.

C H A P. XXXII.

An Act to impower Suſannah Riſteau, *Widow and Adminiſtratrix of* Talbot Riſteau, *late of* Baltimore, *deceaſed, to ſell the Houſe and Lands therein mentioned, for the Payment of the Debts of the ſaid* Talbot Riſteau. *Lib.* H.S. *fol.* 346. *PR.* Ditto.

C H A P. XXXIII.

An Act continuing an Act, entitled, [o] *An Act for the ſpeedy and effectual Publication of the Laws of this Province, and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer.* *Lib.* H.S. *fol.* 348. *EXP.* Ditto.

[o] 1756, *ch.* 14, hereby continued till the 20th *December* 1758.

C H A P. XXXIV.

An Additional Supplementary Act to the Act, entitled, [p] *An Act for iſſuing and taking out of the Office of the Commiſſioners or Truſtees, appointed for emitting Bills of Credit, eſtabliſhed by Act of Aſſembly, the Sum of Four Thouſand Five Hundred Pounds Current Money, for Encouragement of ſuch able-bodied Freemen as ſhall voluntarily enliſt themſelves into his Majeſty's Service, for the intended Expedition againſt* Canada; *and for maintaining and conveying them to the Place of Rendezvous; as alſo for replacing of the ſaid Sum, and for the better Regulating Ordinaries and Ordinary-Keepers, and for other Purpoſes therein mentioned.* *Lib.* H.S. *fol.* 348. *EXP.* Ditto.

[p] 1746, *ch.* 1.

N. B. This Act (which was to be in Force for 3 Years, and thence to the End of the next ſucceeding Seſſion, and which conſequently expired the 24th *April* 1762,) was for reſtraining Perſons, not under Licence, from Retailing Spirituous Liquors, *&c.* with ſome farther Regulations relating to Ordinary Keepers under Licence. And the Fines, *&c.* on Offences againſt this Act, were applied, One Half to the Uſe of the Informer, and the other Half to the ſame Purpoſes as the Ordinary Licence Money, *&c.*

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on Tueſday the 28th Day of *March*, in the 7th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended on the 13th Day of *May* following, in the 8th Year of his Lordſhip's Dominion, *Annoq; Domini* 1758: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

Paſſed 31st *March* 1758. *An Act for Encouragement of a Party of* Cherokee Indians, *which have been ſome Time on the Frontiers of this Province; and for Payment of the reaſonable Expences of their Interpreter and Conductor.* *Lib.* H.S. *fol.* 356. *OBS.*

N. B. By this Act, (1.) The Agents appointed by the Act of 1756, *ch.* 5, were directed to lay out, with Approbation of the Governor, 300*l.* now in their Hands unexpended, in Goods proper to be preſented to the ſaid *Indians*, &c. (2.) The ſaid Agents to pay *William Cromwell* their Conductor, 36*l.* 6*s.* 9*d.* To *Richard Smith* their Interpreter, 20*l.* and to *Catharine Jennings*, 40*l.* for their Maintainance at *Annapolis*; and alſo the reaſonable Expences of the Return of the ſaid *Indians*, Interpreter and Conductor, from *Annapolis* to *Fort-Frederick*. (3.) The ſaid Agents to lay Accounts upon Oath, of all Monies by them paid in Virtue of this Act, before the General Aſſembly at the Seſſion next after the ſame ſhall be ſo paid, &c. on the third Day thereof, under the like Penalty as by the aforeſaid Act is impoſed upon them, in Caſe of Non-Performance of their Duty under the ſaid Act.

CHAP. II.

Paſſed 1st *May* 1758. *An aiding Supplementary Act to an Act, entitled, A Supplementary Act to an Act, entitled,* [a] *An Act to enable the Juſtices of* Baltimore *County Court, to aſſeſs and levy on the Taxable Inhabitants of* St. George's *Pariſh in that County, a Sum of Money for the Uſes therein mentioned.* *Lib.* H.S. *fol.* 357. *OBS.*

[a] 1750, *ch.* 7.

N. B. The Supplementary Act of 1757, *ch.* 18, not coming timely to the Juſtices to make the Aſſeſſment directed by the ſaid Act to be made at *November* Court 1757, (the Act not paſſing the Seals till the 6th *December*) the Preſent Act was made to enable the Juſtices to aſſeſs and levy on the Taxable Inhabitants of the ſaid Pariſh, the Sum of 275*l.* Current Money, directed by the ſaid Supplementary Act to be levied at *November* Court 1757, at their adjourned *March* Court to be held on the 8th *May* next. And alſo to releaſe the ſaid Inhabitants from 7 ℔ of the 10 ℔ Tobacco per Poll laid on them at *November* Court laſt, on Application of the Veſtry; the ſame not being now wanting for the Purpoſes thereby intended.

CHAP. III.

Paſſed 13th *May* 1758. *An Act to make it Penal to Forge or Counterfeit the Bills of Credit of* Virginia, Pennſylvania, New-York, Eaſt *or* Weſt Jerſeys, *or the Three Lower Counties on* Delaware, *called* New-Caſtle, Kent *and* Suſſex; *or to utter or tender the ſame in Payment within this Province, knowing them to be ſuch.* *Lib.* H.S. *fol.* 359. *EXP.*

To continue for 3 Years, and to the End of the next Seſſion of Aſſembly; ſo that it Expired the 24th *April* 1762.

CHAP. IV.

Ditto. An ACT relating to Guardians and Orphans. *Lib.* H.S. *fol.* 360.

Preamble. WHEREAS Diſputes have ariſen, and may ariſe, between Guardians and their Wards, in reſpect of their Right or Title to Lands, Tenements, or Hereditaments, the Poſſeſſion whereof the ſaid Guardians have obtained, or may obtain, in Right of their Wards: For Remedy whereof;

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes*

Houſes of Aſſembly, and the Authority of the ſame, That when any Ward or Orphan ſhall attain his or her full Age, it ſhall and may be lawful for ſuch Ward or Orphan to enter into all Lands, Tenements, or Hereditaments whatſoever, which the Guardian of ſuch Orphan or Ward ſhall come to the Poſſeſſion, or receive the Rents, Iſſues, or Profits of, under, or by Colour of the Right or Title of ſuch Orphan or Ward, or in Virtue or by Occaſion of his or her Guardianſhip of ſuch Orphan or Ward: And that in caſe the Guardian aforeſaid, obtaining the Poſſeſſion, or coming into the Perception of the Rents, Iſſues, and Profits, in Manner aforeſaid, of ſuch Lands, Tenements, or Hereditaments as aforeſaid, ſhall refuſe upon Demand of his Ward or Orphan under his or her Care, (upon the ſaid Ward or Orphan's attaining his or her Age as aforeſaid) to yield or give up quiet Poſſeſſion of the ſame, ſuch Ward or Orphan ſhall or may have or maintain his or her Action, in which he or ſhe ſhall recover Poſſeſſion of the ſame, and treble Damages, and full Coſts of Suit.

CHAP. IV. Any Ward at full Age, may enter into all Lands, &c. whereof the Guardian came to Poſſeſſion, &c. under Title of ſuch Guardianſhip. Such Guardian refuſing to give up, the Ward ſhall recover, with treble Damages and full Coſts.

III. And be it further Enacted, *by the Authority aforeſaid,* That no Guardian, or his Heirs or Aſſigns, or any Perſon in Truſt for, or for the Uſe of him or them, ſhall at any Time recover any Lands, Tenements, or Hereditaments whatſoever, from or of his or her Ward or Orphan, under his or her Care, or the Heirs or Aſſigns of ſuch Ward or Orphan, upon any Right or Title, which ſhall firſt wholly fall, come, accrue or veſt, by Purchaſe, by or to, or in Truſt, or for the Uſe of ſuch Guardian, of or from any other Perſon than the ſaid Ward or Orphan, or ſome Perſon claiming by, from or under, ſuch Ward or Orphan, at any Time after Poſſeſſion obtained by ſuch Guardian, in Manner aforeſaid, or his or her Perception of the Rents, Iſſues and Profits aforeſaid, in Manner aforeſaid. And in caſe it ſhall appear, on the Trial of any Cauſe or Suit whatſoever, whether for the Recovery of Poſſeſſion and Damages, or of Damages only, againſt ſuch Ward or Orphan, or his or her Heirs or Aſſigns, that the Plaintiff ſhall found his or her Action or Suit, upon any Right or Title accruing to the Guardian of ſuch Ward or Orphan by Purchaſe (except as before excepted) ſubſequent to the ſaid Guardian's obtaining Poſſeſſion of the Lands, Tenements, or Hereditaments aforeſaid, in Manner aforeſaid, or his or her Perception of the Rents, Iſſues and Profits thereof aforeſaid, the ſaid Plaintiff, whether he or ſhe ſhall be, or have been, the Guardian of ſuch Orphan or Ward, or ſhall be any other Perſon claiming in Truſt for, or for the Uſe of, or by, from or under, ſuch Guardian, ſhall be Nonſuit; any Law, Statute, Uſage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

Guardian, &c. ſhall not recover Lands, &c. from his Ward, which have formerly come to his Poſſeſſion as Guardian, upon any Right of Purchaſe from any other than ſuch Ward, &c.

IV. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

Continuance.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1762, *ch.* 7.

CHAP. V.

A Supplementary Act to an Act, entitled, [b] *An Act for granting a Supply of Forty Thouſand Pounds for his Majeſty's Service, and ſtriking Thirty-four Thouſand and Fifteen Pounds Six Shillings thereof, in Bills of Credit, and raiſing a Fund for ſinking the ſame. Lib.* H.S. *fol.* 361. *EXP.*

Paſſed 13th *May* 1758.

[b] 1756, *ch.* 5.

N. B. The Clauſes in the Original Act, relating to the Duty of 40*s.* Currency on any Horſe, Mare, &c. brought from any other Colony into this Province to be Sold, &c. being found ineffectual, this Act was made for Remedy thereof, &c. And the Fines, &c. incurred by the breach of this Act, were applied one Half to the Informer, and the other Half to be paid into the Loan Office, towards ſinking the Sum by the ſaid Original Act raiſed and emitted for his Majeſty's Service; and to be in Force during the Continuance of the ſaid Act of 1756, *ch.* 5; ſo that it expired on the 26th *November* 1763.

CHAP. VI.

Passed 13th *May* 1758.

An Act entitled An Act to repeal Part of an Act, entitled, [c] *An Act repealing Part of an Act laying an Impoſition on Negroes, and on ſeveral Sorts of Liquors imported, and alſo on* Iriſh *Servants; and to prevent the Importing too great a Number of* Iriſh *Papiſts into this Province. And to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from* Pennſylvania, *or the Three Lower Counties on* Delaware, *called* New-Caſtle, Kent, *and* Suſſex. *Lib.* H.S. *fol.* 363. *EXP.*

[c] 1724, *ch.* 10.

N. B. This Act (having firſt repealed that Part of the Act of 1724, *ch.* 10, which impoſed a Duty of 3*d.* per Gallon on Rum, Spirits, Wine, and Brandy, imported by Land from *Pennſylvania*, and which was appropriated to the defraying the Charges of the Public) eſtabliſhes the following Duties, *viz.*

N° 1. On all Rum, Spirits, Wine, or Brandy, imported by Land from *Pennſylvania*, to be paid down on Entry, before Importation, to ſome Sheriff or Naval Officer within this Province, or Security to be given for the Payment within 3 Months from obtaining a Permit to import the ſame, *Three Pence*,

N° 2. An Exciſe over and above the aforeſaid 3*d.* per Gallon, to be paid or ſecured as above mentioned, on all Rum, Spirits, or Brandy, imported under the Quantity of 50 Gallons, of — — — — *Four Pence*,

} per Gallon.

N° 3. The like Duty on all Wine imported, in any Quantity leſs than Twenty-five Gallons, of — — — — — — *Six Pence*,

Which ſeveral Duties, together with a Moiety of all the Fines impoſed upon Breaches of this Act, were applied to the ſinking of the 40000*l.* granted by the Act of 1756, *ch.* 5, *&c.*

This Act was to continue in Force 3 Years, and thence to the End of the next ſucceeding Seſſion, and conſequently expired the 24th *April* 1762.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on the 22d Day of *November*, and ended the 24th Day of *December*, in the 8th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1758: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. VII.

Paſſed 30th *Nov.* 1758.

An Act continuing an Act, entitled, [a] *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees; and alſo one other Act, entitled,* [b] *A Supplementary Act to the Act, entitled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees; alſo one other Act, entitled,* [c] *An additional Supplementary Act to the Act, entitled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees; and alſo one other Act, entitled,* [d] *An Act for the Relief of Inſpectors, and Owners of Tobacco, and Others, who have ſuffered by Means of extraordinary Rains and high Tides, and other Defects in the Inſpection Law. Lib.* H.S. *fol.* 370. *EXP.*

[a] 1753, *ch.* 22; [b] 1754, *ch.* 1; [c] 1754, *ch.* 3; [d] 1755, *ch.* 7: All which were hereby continued, *&c.* in full Force, until the 1st Day of *December* 1763.

CHAP. VIII.

Paſſed 24th *Dec.* 1758.

An Act continuing an Act, entitled, [e] *An Act for the Relief of ſuch Perſons as cannot find Surety for their Appearance, to teſtify as a Witneſs againſt any Perſon Arreſted, Accuſed, or Proſecuted, for any Criminal Matter. Lib.* H.S. *fol.* 371. *EXP.*

[e] 1752, *ch.* 13; hereby continued 3 Years, *&c.*

CHAP.

CHAP. IX.

An ACT continuing an Act, entitled, [f] *An Act to prevent disabled and superannuated Slaves being set Free, or the Manumission of Slaves by any Last Will or Testament.* *Lib.* H.S. *fol.* 372. Passed 24th Dec. 1758.

[f] 1752, *ch.* I. Hereby continued, *&c.* in full Force, for and during the Term of Seven Years, and unto the End of the next Session of Assembly, which shall happen after the Expiration of the said Seven Years.

CHAP. X.

An Act continuing an Act, entitled, [g] *An Act for the more effectual destroying of Squirrels and Crows in the Counties of* Kent, Queen-Anne's, *and* Talbot; *and for destroying Red Foxes in the said Counties.* *Lib.* H.S. *fol* 372. *EXP.* Ditto.

[g] 1749, *ch.* 9; hereby continued 3 Years, *&c.*

CHAP. XI.

An ACT for destroying of Crows and Squirrels in particular Counties. *Lib.* H.S. *fol.* 373. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That so much of an Act of Assembly, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Third Day of *October* One Thousand Seven Hundred and Twenty-eight, entitled, *An Act to encourage the destroying of Wolves, Crows and Squirrels*, as relates to the Killing of Crows and Squirrels, so far as the same relates to the several Counties of *St. Mary*'s, *Somerset*, *Charles*, *Anne-Arundel*, *Cæcil*, *Calvert*, *Worcester*, *Prince-George*'s, *Frederick*, *Baltimore*, and *Dorchester*, be, and is hereby repealed, abrogated, and made null and void. The Act of 1728, *ch.* 7, so far as relates to *St. Mary*'s, *Somerset*, *&c.* Counties repealed.

II. And be it further Enacted, *by the Authority aforesaid*, That from and after the First Day of *March*, which shall be in the Year One Thousand Seven Hundred and Fifty-nine, That every Master, Mistress, Owner of a Family, or single Taxable, in the several Counties aforesaid, shall be, and are by this Act obliged, yearly, at some Time before the laying their County Levy, to produce to some one of the Magistrates of their County, Four Squirrels Scalps, or Crows Heads, for every Taxable Person they shall pay Levy for that Year, and the several Magistrates, before whom such Squirrels Scalps, or Crows Heads, shall be brought, shall burn, or cause to be burnt, or otherwise destroyed, such Squirrel Scalps, or Crows Heads, that shall be so produced to him or them, to prevent their being produced a second Time, and give such Person a Certificate under his Hand, certifying the Number of Squirrels Scalps, or Crows Heads, such Person brought before him, which Certificate, the Person obtaining the same, shall lay before the Justices of their County, at the Time of laying their County Levy, and the Justices of the said Counties severally shall then cause a List of Taxables of their County to be laid before them, in order from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced, that thereby it may be found what Persons have complied with this Act, and who failed therein.

Four Squirrel Scalps or CrowsHeads, to be annually produced for each Taxable in the aforesaid Counties.

Certificate of the Number to be given by the Magistrate, who shall burn the same.

III. And be it further Enacted, *by the Authority, Advice and Consent aforesaid*, That every Person that shall fall short of producing a Certificate of Squirrels Scalps, or Crows Heads, in Proportion to their Taxables, according to the Directions and Exigence of this Act, the Justices of the several and respective County Courts, wherein such Person or Persons shall reside at the Time of laying the County Levy, are hereby impowered and required for each Squirrel Scalp, or Crow's Head, such Person shall fall short in Manner aforesaid, to levy upon such Person the Sum of Two Pounds of Tobacco, to be upon Execution, and collected by the Sheriff of the County, in the same Manner as the Public and County Levies are, to be applied towards the Defraying the County Charge.

Persons falling short of the Number, shall pay 2 lb Tobacco for every Scalp, *&c.* so not produced.

CHAP. XI. Duration. IV. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued by 1762, *ch.* 14.

CHAP. XII.

Paſſed 24th *Dec.* 1758. *An Act for the keeping a public Warehouſe for Inſpecting Tobacco, at the* Land of Eaſe, *on* South *River*. *Lib.* H.S. *fol.* 374. *EXP.*

To continue until the 1st *December* 1763.

CHAP. XIII.

Ditto. *An Act for ſelling the Land whereon the Free-School in* St. Mary's *County ſtood; and for Re-building the ſaid School-Houſe*. *Lib.* H.S. *fol.* 374.

N. B. The old School-Houſe being unfortunately deſtroyed by Fire, and its Situation very inconvenient, the Viſitors were impowered to ſet up the School-Houſe Land to Sale, and to convey the ſame to the Purchaſer in Fee, *&c.* and with the Money ariſing thereby, (ſo far as the ſame ſhould extend) to Purchaſe ſome other Piece of Ground within the County, and thereon to build a new School-Houſe.

CHAP. XIV.

Ditto. *An Act continuing an Act, entitled,* [h] *An Act for repairing the Public Roads in this Province; and the* [i] *Supplementary Act thereto*. *Lib.* H.S. *fol.* 375. *EXP.*

[h] 1753, *ch.* 16: [i] 1756, *ch.* 12: Both which are hereby continued 3 Years, *&c.*

CHAP. XV.

Ditto. *An Act to enable the Agents appointed by an Act, entitled, An Act for granting a Supply of Forty Thouſand Pounds for his Majeſty's Service, and ſtriking Thirty-four Thouſand and Fifteen Pounds Six Shillings thereof, in Bills of Credit, and raiſing a Fund for ſinking the ſame, to pay the ſeveral* [k] *Sums of Money for* Indian *Scalps to the Perſons in this Act mentioned*. *Lib.* H.S. *fol.* 376. *OBS.*

[k] *Viz.* 50*l.* Current Money to Lieutenant Col. *Dagworthy*, for the Scalp of an *Indian* Enemy, killed by a *Cherokee Indian* in the *Engliſh* Intereſt, on *St. George's* Creek in this Province, which Scalp was purchaſed of the ſaid *Cherokee Indian* by Lieut. Col. *Dagworthy*: And 50*l.* Current Money to Capt. *Evan Shelby*, for the Scalp of *Capt. Charles*, (Brother to *Cuſtoga*, a *Delaware Indian*) commanding a Party of Warriors who was killed the 12th *November* 1758, in a Skirmiſh near *Loyal Hanning*, by Capt. *Shelby*, who commanded a Company of *Maryland* Volunteers. The ſaid Sums to be paid by the Agents appointed by the Act of 1756, *ch.* 5, and to be allowed them out of the Money appropriated to the Payment for Scalps.

CHAP. XVI.

Ditto. *An Act to impower the Juſtices of* Charles *County, to levy on the Taxable Inhabitants of* Port-Tobacco *Pariſh in ſaid County, a Sum not exceeding two Pounds of Tobacco per Poll, annually, for the Support of an Organiſt in ſaid Pariſh*. *Lib.* H.S. *fol.* 377.

N. B. Dr. *Guſtavus Brown* having offered a Donation of an Organ to the ſaid Pariſh; this Act impowers the Juſtices aforeſaid, on Application of the Veſtry, to levy Two Pounds of Tobacco per Poll on the Taxable Inhabitants of the ſaid Pariſh, to be paid in Tobacco: The Sheriff to be allowed 5 per Cent for collecting the ſame, and to be paid into the Hands of the Veſtry, and by them applied to the Payment of an Organiſt in the Pariſh aforeſaid. But if the ſaid Pariſh ſhall at any Time be without an Organiſt, then the ſaid Tax to be applied by the Veſtry to the Uſe of the Pariſh. This Act to continue Fifteen Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Fifteen Years, and no longer. An Additional 2 ℔ Tobacco per Poll is granted by 1763, *ch.* 31.

CHAP. XVII.

Ditto. *An Act for granting a* [l] *Sum of Money as a Preſent to the Forces late in the Pay and Service of this Province, and taken into his Majeſty's Service by Brigadier-General* Forbes. *Lib.* H.S. *fol.* 378. *OBS.*

[l] *Viz.* 1500*l.* Part of the Money now in the Hands of the Commiſſioners of the Loan Office, appropriated for the Payment of *Indian* Scalps and Priſoners, to be paid out of the ſaid Fund, unto the Agents appointed by the Act of 1756, *ch.* 5; and by them paid and diſtributed in Manner following, *viz.* To Lieut. Col. *Dagworthy*, 30*l.* To every Captain, 16*l.* To every Lieutenant, 12*l.* To every Enſign, 9*l.* To every Non-commiſſioned Officer, 6*l.* And the Reſidue of the ſaid 1500*l.* to be laid out in Cloaths or other Neceſſaries, as the ſaid Agents ſhall think fit, to be equally diſtributed among the private Soldiers who ſerved on the ſaid Expedition. The Repreſentatives of Officers or Soldiers who either died or were killed during that Campaign, to be entitled to their Proportion of the Diſtribution: And the Agents to produce genuine Receipts from each Officer, Soldier, or Repreſentative, for ſuch proportionable Sum of Money, Cloaths, *&c.* and lay the ſame before the Aſſembly at their next Meeting, for their Inſpection.

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on Saturday the 22d Day of *March*, and ended on Friday the 11th Day of *April*, in the 9th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. *Annoq*; *Domini* 1760: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

An Act continuing an Act, entitled, [a] *An Act to prevent Perſons from Secreting Boats, Flats and other Veſſels, drove by ſtreſs of Weather or otherwiſe, from Landings and Moorings.* *Lib.* H.S. *fol.* 380. *EXP.* — Paſſed 11th *April* 1760.

[a] 1753, *ch.* 10, hereby continued 3 Years, &c.

CHAP. II.

An Act continuing an Act, entitled, [b] *An Act to prevent Maſters of Ships and Veſſels from clandeſtinely carrying Servants and Slaves, or Perſons Indebted, out of this Province.* *Lib.* H.S. *fol.* 380. *EXP.* — Ditto.

[b] 1753, *ch.* 9, hereby continued 3 Years, &c.

CHAP. III.

An Act continuing an Act, entitled, [c] *A Supplementary Act to the Act, entitled, An Act for the Relief of Creditors in* England, *againſt Bankrupts who have imported Goods into this Province, not accounted for.* *Lib.* H.S. *fol.* 381. *EXP.* — Ditto.

[c] 1753, *ch.* 36, hereby continued 3 Years, &c.

CHAP. IV.

An Act continuing an Act, entitled, [d] *An Act for the Advancement of Juſtice.* *Lib.* H.S. *fol.* 381. *EXP.* — Ditto.

[d] 1753, *ch.* 2, hereby continued 3 Years, &c.

CHAP. V.

An Act continuing an Act, entitled, [e] *An Act for preventing* Indians, *diſaffected to the* Britiſh *Intereſt in* America, *from coming into this Province as Spies, or on any other Evil Deſign.* *Lib.* H.S. *fol.* 382. *EXP.* — Ditto.

[e] 1756, *ch.* 13, hereby continued 3 Years, &c.

CHAP. VI.

An Act to aid ſome Proceedings of the Veſtry of Port-Tobacco *Pariſh, in* Charles *County; and to impower the ſaid Pariſh to elect Veſtry-men and Church-wardens.* *Lib.* H.S. *fol.* 382. *OBS.* — Ditto.

N. B. Eaſter Monday 1759, being very Rainy, ſo as the Veſtry cou'd not meet to proceed in the Election of Veſtry-men and Church-wardens, ſo that the Pariſh was not, from that Time, fully repreſented; notwithſtanding which, the Veſtry had tranſacted the Pariſh Buſineſs: This Act makes valid the Veſtry Tranſactions in 1759, ſo far as relates to Taxing of Batchelors and chuſing Inſpectors, and enables the Pariſh to elect four new Veſtry-men, and two Church-wardens, &c.

CHAP. VII.

An Act to increaſe the Salaries of the Inſpectors of Snow-Hill *Warehouſe in* Worceſter *County, and* Plymouth *Warehouſe in* Dorcheſter *County.* *Lib.* H.S. *fol.* 383. *EXP.* — Ditto.

To be in Force during the Inſpection Law of 1753, *ch.* 22; which expired the 1st *December* 1763.

CHAP. VIII.

An Act for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of Jonas Green, *of the City of* Annapolis, *Printer.* *Lib.* H.S. *fol.* 384. *EXP.* — Ditto.

To continue to the 2d Day of *April* 1761. A new Law made 1762, *ch.* 24.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on Friday the 26th Day of *September*, and ended on Wedneſday the 15th Day of *October*, in the 10th Year of the Dominion of the Right Honourable FREDERICK, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, *&c. Annoq; Domini*, 1760: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. IX.

Paſſed 13th *Oct.* 1760. *An Act for eaſing the Inhabitants of this Province, from the great and unequal Burthen of the Additional Land-Tax. Lib.* H.S. *fol.* 386. *EXP.*

N. B. It appearing by the Proceedings of the Commiſſioners, appointed by the Act of 1756, *ch.* 5, to aſcertain the Additional Land-Tax, which was to make good the Deficiency of the Duties and Taxes thereby impoſed for ſinking the 40000*l.* that there wou'd be impoſed a Tax of 7*s.* 7*d.* per 100 Acres on all Lands, and a farther Sum of 7*s.* 7*d.* on every 100 Acres held by Papiſts; which muſt have been wholly diſcharged in purſuance of that Act, by the 25th *March* 1761: The aforeſaid Rates were hereby declared to be null and void; *&c.*

The ſeveral Duties, Taxes, Fines, *&c.* impoſed by that Act, for replacing and ſinking the 40000*l.* were hereby continued during this Act.

Such Parts of the Act of 1746, *ch.* 1, as relate to the Regulation of Ordinaries, Ordinary-Keepers, and granting of Ordinary Licences; and all ſuch Clauſes of the Act of 1754, *ch.* 9, as related to the ſeveral Duties, Taxes, Licence Money, *&c.* therein mentioned (except the Duty on Servants imported for 7 Years or upwards, and that of 2*d.* per Gallon on *Madeira* Wine) were likewiſe continued during this Act.

In Order to provide againſt Deficiencies, certain Commiſſioners were appointed, and impowered to meet at the Loan Office on the 1st Monday in *Auguſt* 1762, and to make an Eſtimate of what the ſeveral Taxes, *&c.* herein mentioned and continued would Amount to in 7 Years, allowing the 7th Years Collection to be equal to the averaged Rate of the 6 preceding Years; and if it ſhould appear by ſuch Eſtimate, that the 40000*l.* would not be ſunk by the 20th *June* 1763, then the ſaid Commiſſioners were to aſcertain what Rate, by way of Additional Land-Tax, to be impoſed in the ſame Manner with the former Land-Tax, wou'd be ſufficient to make good ſuch Deficiency, adding thereto 500*l.* and to make out Certificates thereof under their Hands and Seals, to the Collectors of the Land-Tax in the ſeveral Counties, *&c.* Which Additional Land-Tax was, in ſuch Caſe to be collected, levied, accounted for, and paid, under the ſame Penalties, *&c.* as the Land-Tax in the Act of 1756, *ch.* 5, is directed.

In Caſe of a Surplus to be raiſed by Virtue of this Act over and above making good the Deficiency aforeſaid; the ſame to be applied towards the Diſcharge of the public Expence of this Province, as the General Aſſembly ſhall direct.

This Act to continue until the 20th *June* 1763, and to the End of the next ſucceeding Seſſion, ſo that it expired on the 26th *November* 1763.

CHAP. X.

Paſſed 15th *Oct.* 1760. *An Act continuing an Act, entitled,* [a] *An Act for the ſpeedy Recovery of ſmall Debts out of Court, before one Juſtice of the Peace. Lib.* H.S. *fol.* 390. *EXP.*

[a] 1753, *ch.* 13, hereby continued 3 Years, *&c.*

CHAP. XI.

Ditto. *An Act continuing an Act, entitled,* [b] *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread. Lib.* H.S. *fol.* 390. *EXP.*

[b] 1745, *ch.* 11, hereby continued 3 Years, *&c.*

CHAP. XII.

Ditto. *An Act continuing an Act, entitled,* [c] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law; and for continuing the* [d] *Supplementary Act thereto. Lib.* H.S. *fol* 391. *EXP.*

[c] 1714, *ch.* 4: [d] 1728, *ch.* 24: Both which are hereby continued 3 Years, *&c.*

CHAP.

CHAP. XIII.

An Act continuing an Act, entitled, 'A Supplementary Act to the Act, entitled, An Act ascertaining the Height of Fences; to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares and Colts that run in the Woods. *Lib.* H.S. *fol.* 391. *EXP.* Passed 15th Oct. 1760.

' 1750, *ch.* 25, hereby continued 3 Years, &c.

CHAP. XIV.

An Act to augment the Salaries of several Inspectors. *Lib.* H.S. *fol.* 392. *EXP.* Ditto.

To continue during the Inspection Law of 1753, *ch.* 22; which Expired the 1st *December* 1763.

CHAP. XV.

An Act continuing an Act, entitled, 'An Act to remedy some Evils relating to Servants. *Lib.* H.S. *fol.* 393. *EXP.* Ditto.

' 1750, *ch.* 5, hereby continued 3 Years, &c.

CHAP. XVI.

An ACT for increasing the Allowance of Grand and Petit Jurors, who shall attend the Provincial Court, to limit Costs with respect to Witnesses, and granting them an Allowance for itinerant Charges. *Lib.* H.S. *fol.* 393. Ditto.

WHEREAS the Allowances heretofore made to Grand and Petit Jurors attending the Provincial Court, are so small, that the same are not sufficient to maintain such Jurymen during the Time of their Attendance; In order therefore that reasonable Provision may be made for them, it is humbly prayed that it may be Enacted; Preamble.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this Session of Assembly, there shall be allowed to every Petit Juror, who shall be Summoned and Attend at the Provincial Court, in Lieu and in Stead of all or any Allowance or Allowances by any former Act or Acts of Assembly of this Province, the Quantity of Forty-eight Pounds of Tobacco per Day for every Day such Petit Juror shall attend the Provincial Court aforesaid, in the Public Levy of this Province, and be paid in the County where such Juror resides, besides the Quantity of Ninety-six Pounds of Tobacco, which shall be allowed to every full Jury who shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed in the Bills of Costs as usual, and no more; any Law, Statute, or Usage, to the contrary notwithstanding. Petit Jurors attending the Provincial Court, to have 48 lb Tobacco *per Diem*, and 96 lb Tobacco to every full Jury passing Verdict.

III. **And be it further Enacted**, That in case any Jury, who shall be Sworn and Charged in any Cause, shall be ready to give their Verdict therein, but the Plaintiff or Plaintiffs in such Cause shall refuse to appear to such Verdict, whereby the said Plaintiff or Plaintiffs in such Cause shall be Nonsuit, that then and in such Case, the said Jury shall be allowed the aforesaid Quantity of Ninety-six Pounds of Tobacco, in the same Manner as if they had given their Verdict in such Cause, and the same shall be paid by the Defendant or Defendants therein, and be allowed in his, her, or their Bill of Costs against the Plaintiff or Plaintiffs in such Cause. The same Allowance to every full Jury, where the Plaintiff shall refuse to appear to the Verdict.

IV. **And be it further Enacted**, That it shall and may be lawful for the Justices of the Provincial Court of this Province, to allow unto the Grand Jurors, who shall Serve in the Provincial Court, towards defraying the Expences of the said Jurors attending the said Court, for every Court they shall attend, any Quantity of Tobacco, not exceeding Six Thousand Pounds, which Grand Jurors to be allowed not exceeding 6000 lb Tobacco for every Provincial Court.

CHAP. XVI.

which shall be allowed in the Public Levy of this Province, and paid in the respective Counties where they reside.

Itinerant Charges at 48 lb Tobacco per Day to be allowed every Grand and Petit Juror attending the Provincial Court.

V. **And be it further Enacted**, That it shall and may be lawful for the Justices of the said Provincial Court, to allow to every Grand and Petit Juror, who shall be Summoned and Attend the said Court, over and above the Allowances aforesaid, for so many Days itinerant Charges as the said Justices shall think reasonable, at the Rate of Forty-eight Pounds of Tobacco per Day, to be allowed and paid in the same Manner as the other Allowances herein mentioned are directed to be allowed and paid.

No more Charge to be allowed in the Bill of Costs than of Three Witnesses, to the Proof of any particular Fact, &c.

VI. **And whereas** it has been a frequent Practice among Parties to Suits, to summon several Witnesses to the Proof of one and the same Matter of Fact in a Cause, and many others who really know nothing of the Fact, only to enhance the Costs, to the great Burthen and Oppression of the Party, who, by the Judgment of the Court in such Cause, is awarded to pay the Costs of such Suit; For Prevention whereof for the future; **Be it Enacted**, That in any Action or Actions to be commenced after the End of this Session of Assembly, there shall not be allowed the Charge of more than Three Witnesses to the Proof of any one particular Matter of Fact, or of any other Witness or Witnesses who shall appear to the Court to have been unnecessarily summoned.

Witnesses residing in other Counties, shall be allowed itinerant Charges at the Rate of 24 lb Tobacco per Day in the County Court;

All which may be discharged in Money at 12 s 6 per Cent.

VII. **And be it further Enacted**, That where any Person shall be summoned to attend as a Witness, to testify at any County Court within this Province, and who shall at the same Time reside in a different County than that where such Court shall be held, to which he or she shall be summoned to attend to give his or her Evidence, that it shall and may be lawful in such Case, for the Justices of the same Court, to allow to such Witness for so many Days itinerant Charges as the said Justices shall think reasonable, at the Rate of Twenty-four Pounds of Tobacco per Day, over and besides the Time that such Witness shall attend such Court to which he or she shall be summoned to give Evidence. **Provided always, and be it further Enacted**, That it shall and may be lawful for the several and respective Inhabitants and Suitors to Pay and Discharge the said several and respective Quantities of Tobacco in Current Money, at the Rate of Twelve Shillings and Six-pence *per Centum*, in the same Manner as they are enabled to pay and discharge the Public and County Levy.

Duration.

VIII. This Act to continue for Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

Farther continued for 3 Years, &c. by 1763, *ch.* 5.

At

At a Seſſion of ASSEMBLY begun and held at the City of *Annapolis*, on Wedneſday the 17th Day of *March*, in the 11th Year of the Dominion of the Right Honourable FREDERICK, Lord Baron of *Baltimore*, abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, &c. and ended the 24th Day of *April* following, in the 12th Year of his Lordſhip's Dominion, *Annoq*; *Domini* 1762: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

C H A P. I.

An Act for the Adjournment and Continuance of Prince George's *and* Queen-Anne's *County Courts. Lib.* H.S. *fol.* 398. *OBS.* Passed 2d *April* 1762.

Viz. From the 4th Tueſday in *March* till the 4th Tueſday in *June* next.

C H A P. II.

An ACT continuing an Act, entitled, [a] *An Act to exempt Perſons appearing at Muſters from Arreſts in Civil Caſes. Lib.* H.S. *fol.* 399. Paſſed 24th *April* 1762.

[a] 1748, *ch.* I. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. III.

An ACT continuing an Act, entitled, [b] *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running Horſe-Races, near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourſe of Negroes and other Slaves, during the ſaid Meetings*; and alſo one other Act, entitled, [c] *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horſe-Races, near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourſe of Negroes and other Slaves, during the ſaid Meetings. Lib.* H.S. *fol.* 399. Ditto.

[b] 1747, *ch.* XVII. [c] 1752, *ch.* XIV. Both which are hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. IV.

An ACT continuing an Act, entitled, [d] *An Act for Puniſhment of Horſe-Stealers, and other Offenders. Lib.* H.S. *fol.* 400. Ditto.

[d] 1744, *ch.* XX. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. V.

An ACT continuing an Act, entitled, [e] *An Act for the more effectual Puniſhment of certain Offenders, and for taking from them the Benefit of Clergy. Lib.* H.S. *fol.* 400. Ditto.

[e] 1737, *ch.* II. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

C H A P. VI.

An ACT continuing an Act, entitled, [f] *An additional and explanatory Act to the Act, entitled, An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco to defray the neceſſary Charges of their Counties and Pariſhes. Lib.* H.S. *fol.* 401. Ditto.

[f] 1748, *ch.* XX. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

C H A P. VII.

An ACT continuing an Act, entitled, [g] *An Act relating to Guardians and Orphans. Lib.* H.S. *fol.* 401. Ditto.

[g] 1758, *ch.* IV. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. VIII.

Paſſed 24th *April* 1762. An ACT continuing an Act, entitled, [h] *An Act for deſtroying Wolves in* Frederick *County*. *Lib.* H.S. *fol.* 402.

[h] 1751, *ch.* III. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. IX.

Ditto. An ACT continuing an Act, entitled, [i] *An additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves.* *Lib.* H.S. *fol.* 402.

[i] 1748, *ch.* XIX. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. X.

Ditto. An ACT continuing an Act, entitled, [k] *An Act for the more effectual Puniſhment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entitled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves.* *Lib.* H.S. *fol.* 403.

[k] 1751, *ch.* XIV. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. XI.

Ditto. An ACT continuing an Act, entitled, [l] *An Act to make the Teſtimony of convicted Perſons, Legal againſt convicted Perſons.* *Lib.* H.S. *fol.* 403.

[l] 1751, *ch.* XI. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. XII.

Ditto. An ACT continuing an Act, entitled, [m] *A Supplementary Act to an Act, entitled, An Act laying an Impoſition on Negroes, and ſeveral Sorts of Liquors Imported; and alſo on* Iriſh *Servants, to prevent the Importing too great a Number of* Iriſh *Papiſts into this Province.* *Lib.* H.S. *fol.* 404.

[m] 1735, *ch.* VI. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. XIII.

Ditto. An ACT continuing an Act, entitled, [n] *An Act to enable the ſeveral and reſpective County Clerks within this Province, to remove ſome of the County Records and Papers from the Public Offices.* *Lib.* H.S. *fol.* 404.

[n] 1748, *ch.* VII. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. XIV.

Ditto. An ACT continuing an Act, entitled, [o] *An Act for deſtroying of Crows and Squirrels in particular Counties.* *Lib.* H.S. *fol.* 405.

[o] 1758, *ch.* XI. Hereby continued for Three Years next enſuing, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

C H A P. XV.

Ditto. *An Act to enable* James Hollyday, *legal Repreſentative of* James Hollyday, *Eſq; deceaſed, late Treaſurer of the Eaſtern Shore, to draw Bills for the* [p] *Money therein mentioned.* *Lib.* H.S. *fol.* 405. *PR.*

[p] *Viz.* A certain Balance of Sterling Duties received by the ſaid late Treaſurer for purchaſing Arms and Ammunition, and for ſupporting County Schools, by him remitted, purſuant to an Order of the General Aſſembly, to *William Hunt*, Merchant in *London*, and remaining in the Hands of the ſaid *William Hunt*, who had refuſed to pay the Draught of the Petitioner *James Hollyday*, for Part of the ſaid Balance, apprehending that the ſaid Petitioner had no Right to draw for the Money remitted to him the ſaid *William Hunt*, by the ſaid late Treaſurer, *&c.*

C H A P. XVI.

Ditto. *An Act to impower the Juſtices of* Somerſet *and* Worceſter *Counties, to levy on the Taxable Inhabitants of* Coventry *Pariſh, partly in* Somerſet *and* Worceſter *Counties, the Quantity of Sixty-two Thouſand Four Hundred Pounds of Tobacco, for the Uſes therein mentioned.* *Lib.* H.S. *fol.* 406.

N. B. By this Act, (1.) The Veſtry and Church-wardens of the ſaid Pariſh, are impowered to purchaſe in Fee, Two Acres of Land lying in *Somerſet* County, in the Pariſh aforeſaid, at ſome Place between the Head of *Coulbourn*'s Creek and *Annimeſſix Dams*, and thereon to build a Chapel of Eaſe, *&c.* Which Land when ſo purchaſed, and Chapel ſo built, ſhall be deemed the Land and Chapel of Eaſe of the ſaid Pariſh, and the ſaid Chapel for ever hereafter to be ſupported and repaired at the Charge of the ſaid Pariſh. (2.) The ſaid Veſtry, *&c.* are impowered to enlarge the Chapel of Eaſe ſituate on *Dividing*-Creek, in the ſaid Pariſh. (3.) The Juſtices of *Somerſet* and *Worceſter* County Courts, are impowered to aſſeſs and levy on the Taxable Inhabitants of the ſaid Pariſh, 62400 ℔ Tobacco, by Three equal Aſſeſſments, in the Years 1762, 1763, and 1764; together with the Sheriff's Salary of 5 per Cent for collecting the ſame; which Aſſeſſments

Assessments shall be respectively made by the Justices aforesaid, in proportion to the Taxable Inhabitants of the said Parish of *Coventry*, residing in their several and respective Counties; and when collected, shall be paid by the respective Sheriffs to such Vestry, *&c.* to be by them received and applied to the Uses aforesaid. (4.) The Inhabitants of *Coventry* Parish may discharge the said Tax in Current Money, in the same Manner as they are now enabled to pay and discharge the Public or County Levy. CHAP. XVI.

CHAP. XVII.

An ACT continuing an Act, entitled, [q] *An Act for repairing the Public Roads in this Province*; and the [r] Supplementary Act thereto. *Lib.* H.S. *fol.* 408. Passed 24th *April* 1762.

[q] 1753, *ch.* XVI. [r] 1756, *ch.* XII. Both which are hereby continued for Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

CHAP. XVIII.

An ACT continuing an Act, entitled, [s] *An Act for the more effectual destroying of Squirrels and Crows in the Counties of* Kent, Queen-Anne's, *and* Talbot; *and for destroying Red Foxes in the said Counties. Lib.* H.S. *fol.* 408. Ditto.

[s] 1749, *ch.* IX. Hereby continued for Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

CHAP. XIX.

An ACT continuing an Act, entitled, [t] *An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal Matter. Lib.* H.S. *fol.* 409. Ditto.

[t] 1752, *ch.* XIII. Hereby continued for Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

CHAP. XX.

An Act for Erecting a Public Warehouse at Vienna *Town, in* Dorchester *County. Lib.* H.S. *fol.* 409. *EXP.* Ditto.

To continue in Force during the Continuance of the Act of 1753, *ch.* 22, which expired the 1st *December* 1763.

CHAP. XXI.

An Act to change the Name of Zaccheus Barret, *to that of* Onion. *Lib.* H.S. *fol.* 411. *PR.* Ditto.

CHAP. XXII.

An Act impowering the Justices of Charles *County, to levy on the Taxable Inhabitants of* Port-Tobacco *Parish, in the said County, a Quantity of Tobacco, for the Uses therein mentioned. Lib.* H.S. *fol.* 412. Ditto.

Viz. 25000 lb of Tobacco, together with the Sheriff's Salary of 5 per Cent for Collection, to be assessed by two equal annual Assessments on the Taxable Inhabitants of the said Parish, to be collected by the Sheriff, in the same Manner as other Parish Assessments are by Law directed to be levied and collected; and paid to the Vestry-men, *&c.* who are impowered to lay out the same in Building and fully Compleating an Addition to the Chapel of Ease belonging to the said Parish.

CHAP. XXIII.

An Act to remedy an Omission in the Testament and Last Will of Henry Woodward, *deceased. Lib.* H.S. *fol.* 413. *PR.* Ditto.

CHAP. XXIV.

An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of Jonas Green, *of the City of* Annapolis, *Printer. Lib.* H.S. *fol.* 413. *EXP.* Ditto.

N. B. By this Act, there was a certain annual Allowance to be made to Mr. *Green*, in each of the several and respective Counties at the Laying the Levies, to be paid to him, or his Order, by the several Sheriffs, free from any Deduction, (amounting in the whole,) for each Year wherein there should happen to be a Session of Assembly, to 279*l.* But in case it should so happen, that in any Year during the continuance of the Act (which had Duration only to the 2d *April* 1765, and then expired) that there should be no Session, that then there should be allowed him a lesser Sum in each of the several Counties, *&c.* amounting to 210*l.* To entitle him to the first mentioned Allowance, he was obliged to produce a Receipt, or Certificate from the Sheriff of *Anne-Arundel* County, of his having delivered to him, the Printed Laws of each Session within Three Months after the End thereof; and the Votes and Proceedings within Four Months: The Number of both Laws and Votes being therein ascertained: And the Sheriffs were obliged to Forward them as Public Letters are directed to be forwarded.

By §. IX, of this Act, the Commissioners of the Loan-Office were directed to Pay him, for Public Services for which he had had no Allowances, the Sum of 500*l.* out of the Sum of 1992*l.* 12*s.* paid into the said Office by virtue of the Act, entitled, *An Act for his Majesty's Service.* See 1754, *ch.* 9.

C H A P. XXV.

Passed 24th *April* 1762. *An Act impowering the Juſtices of* Baltimore *County Court, to aſſeſs and levy a Sum of Current Money; and for other Purpoſes therein mentioned. Lib.* H.S. *fol.* 417.

N. B. By this Act, (1.) The Juſtices of *Baltimore* County Court are impowered to aſſeſs and levy on the Taxable Inhabitants of *St. Paul's* Pariſh, in the ſaid County, 600 *l.* Current Money, together with the Sheriff's Salary of 5 per Cent for Collection, at Three equal annual Aſſeſſments, in the ſame Manner, *&c.* as the County Charges are uſually aſſeſſed and levied. (2.) Certain Commiſſioners are appointed and impowered to purchaſe in Fee, in the Name of the Rector, Veſtry-men, and Church-wardens of the ſaid Pariſh, Two Acres of Land at a Place known by the Name of *T L*, and thereon to erect a Chapel of Eaſe to the aforeſaid Pariſh, *&c.* (3.) The ſaid Commiſſioners are impowered to draw on the Sheriff of *Baltimore* County, from Time to Time, as Occaſion ſhall require, for ſo much of the ſaid 600 *l.* as they, or the major Part of them, ſhall think neceſſary, towards Satisfaction or Payment for the Purchaſe of the ſaid Two Acres of Land, and for building, finiſhing and compleating the Chapel of Eaſe aforeſaid. (4.) The ſaid Chapel, when built, to be deemed a Chapel of Eaſe for the ſaid Pariſh, and Divine Service ſhall be performed therein by the Incumbent, for the Time being, every Third Sunday; and the ſame Chapel of Eaſe, to be conſtantly kept in Repair at the Charge of the Pariſh of *St. Paul's* aforeſaid for ever.

C H A P. XXVI.

Ditto. *An Act to augment the Salaries of the Inſpectors at* Elk-Ridge *Landing Warehouſe, in* Anne-Arundel *County, and the Inſpectors of* Emerſon's *Warehouſe, in* Talbot *County; and for other Purpoſes therein mentioned. Lib.* H.S. *fol.* 418. *EXP.*

This Act being founded upon, and connected with, the Inſpection Law of 1753, *ch.* 22, fell together with its Original, on the 1st *December* 1763.

C H A P. XXVII.

Ditto. *An Act to impower* Mary Stanſbury, *Widow and Adminiſtratrix with the Will annexed, of* Tobias Stanſbury, *late of* Baltimore *County, to ſell the Lands therein mentioned, for the Payment of the Debts of the ſaid* Tobias Stanſbury. *Lib.* H.S. *fol.* 419. *PR.*

C H A P. XXVIII.

Ditto. *An Act for building a Church in* St. James's *Pariſh, in* Anne-Arundel *County. Lib.* H.S. *fol.* 420.

N. B. By this Act, (1.) The Veſtry-men and Church-wardens of the ſaid Pariſh are required, as ſoon as conveniently may be, to contract, *&c.* for the building and finiſhing a new Church on or near the Place where the Pariſh Church now ſtands. (2.) The Juſtices of *Anne-Arundel* County are required, on Application to them made by the Veſtry, *&c.* to levy on the Taxable Inhabitants of the ſaid Pariſh, by two equal Aſſeſſments in the two next enſuing Years, 130,000 lb Tobacco, together with the Sheriff's Salary of 5 per Cent for collecting the ſame, *&c.* to be by him paid to the ſaid Veſtry, and by them be applied to the building and finiſhing the ſaid new Church, and to no other Purpoſe whatſoever.

C H A P. XXIX.

Ditto. *An Act for the Naturalization of Colonel* Henry Bouquet, *and* Frederick Victor. *Lib.* H.S. *fol.* 421. *PR.*

C H A P. XXX.

Ditto. *An Act to impower* William Clajon, *and* Mary *his Wife, Adminiſtratrix of* Gamaliel Butler, *late of the City of* Annapolis, *to ſell a Lot of Ground, and Three Dwelling-houſes, for the Payment of the Debts of the ſaid* Gamaliel Butler. *Lib.* H.S. *fol.* 422. *PR.*

C H A P. XXXI.

Ditto. *An Act for the Continuance of Cauſes ſtanding for Trial in the Provincial Court. Lib.* H.S. *fol.* 423. *OBS.*

Viz. All Cauſes now depending in the Provincial Court, which by Law wou'd not continue longer than till *April* Provincial Court 1762, may be continued from the ſaid *April* Court, to the ſecond Tueſday of *September* next, *&c.*

C H A P. XXXII.

Ditto. An ACT to eſtabliſh a Market, at the Market-houſe in *Cheſter-Town*, in *Kent* County, and for the Regulation of the ſaid Market. *Lib.* H.S. *fol.* 424.

N. B. By this Act, (1.) Wedneſdays and Saturdays in each Week, to be held as Market Days within the ſaid Town: And all Victuals and Proviſions brought to the ſaid Town for Sale, upon thoſe or any other Days, ſhall be carried to the Market Houſe, and there Sold to the Inhabitants at the ſtated Market Hours, *viz.* from any Time in the Morning till Twelve at Noon, except Fiſh and Oyſters brought by Water, Beef by the Quarter or larger Quantities, and Pork by the Hog or Hogs. (2.) No Inhabitants or Others ſhall preſume to buy any Victuals or Proviſions whatſoever, bringing to and within one Mile of the Town, or already brought there for Sale (except as before excepted) either on Market Days, or other Days in the Week during Market Hours, at any other Place whatſoever but at or in the ſaid Market Houſe, under Penalty of

of 20 Shillings Current Money for every ſuch Offence; to be recovered by Warrant before a ſingle Magiſtrate as in caſe of ſmall Debts, and paid to the Clerk of the Market (who ſhall be appointed by the Juſtices of *Kent* County) and by him be applied to the repairing of the ſaid Market Houſe. (3.) No Perſon after the Time aforeſaid, bringing or ſending, or having brought or ſent any Proviſions or Victuals to the ſaid Town for Sale, ſhall preſume to ſell or cauſe to be ſold, the ſaid Victuals or Proviſions ſo bringing or ſending, or brought or ſent as aforeſaid to the ſaid Town, or within one Mile thereof, either by Land or Water (except as before excepted) under Penalty of 10 Shillings Current Money, with Coſts; to be recovered, paid and applied as aforeſaid. (4.) Perſons ſlaughtering or butchering any Cattle, Sheep, or Hogs in or near about the ſaid Market Houſe, ſhall forfeit and pay 2*s.* 6*d.* Current Money for every ſuch Offence, with Coſts; to be recovered, *&c.* as aforeſaid. (5.) Perſons putting any Horſes, Mares or Geldings into, or under the ſaid Market Houſe, forfeit 2*s.* 6*d.* Current Money, with Coſts, to be recovered, *&c.* as aforeſaid. (6.) This Act to continue Three Years, and to the End of the next Seſſion of Aſſembly that ſhall happen after the Expiration of the ſaid Three Years. CHAP. XXXII.

CHAP. XXXIII.

An Act to prevent any future Loan of the Bills of Credit now in the Paper Currency Office, and to eaſe the Inhabitants of this Province in the Payment of certain Taxes. Lib. H.S. *fol.* 425. *OBS.* Paſſed 24th *April* 1762.

N. B. By this Act, (1.) The Commiſſioners of the Loan Office were prohibited to lend out to any Perſon, or on any Pretence or Security whatſoever, any Bills of Credit (then in their Office) properly belonging to the Country, or which might thereafter be paid in on any Debt then due on Loan. (2.) For the more eaſy Payment of the Duties, Taxes, *&c.* impoſed by the Act of 1756, *ch.* 5, the ſaid Duties, *&c.* were made payable either in Current Gold or Silver of *America*, or in Bills of Credit. (3.) Every Collector or other Officer, on accounting for, and paying into the Office the Money ſo received by him, was to make Oath, that the Paper Money for which he had debited himſelf in Account, was the full Amount of all the Paper Money which he received from the People, *&c.* And the Commiſſioners to receive the Money on the ſaid Accounts, agreeable to the Species therein diſtinguiſhed, and keep ſeparate and diſtinct Accounts thereof. (4.) For ſo much Gold or Silver paid into the Office as aforeſaid, the like Sum of Bills of Credit belonging to the Province in the Office, to be burnt and deſtroyed. (5.) The Gold and Silver ſo paid in, to be a Treaſure to the Country, ſubject to Loan by the Commiſſioners, *&c.* in the ſame Manner as other Gold and Silver paid in for Debts due on Loan to the ſaid Office, *&c.*

CHAP. XXXIV.

An ACT for the deſtroying of Squirrels and Crows in *Baltimore* County. *Lib.* H.S. *fol.* 427. Ditto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of *Baltimore* County Court, ſhall, at the laying of their County Levy yearly, allow unto the ſeveral Inhabitants of the ſaid County, for the Scalp of every Squirrel, and the Head of every Crow, the Sum of Two Pounds of Tobacco, that ſhall be produced over and above the Three Squirrel Scalps, or Crows Heads which they are obliged to produce by any former Law of this Province. Allowance of 2 lb Tobacco for every Squirrel's Scalp, or Crow's Head produced over and above the 3 Scalps, *&c.*

II. And be it likewiſe Enacted, That from and after the Eleventh Day of *June*, Seventeen Hundred and Sixty-two, every Perſon or Perſons, who ſhall bring to any Juſtice of the Peace within the ſaid County of *Baltimore*, any Squirrel's Scalp, or Crow's Head, and ſhall and will make Oath on the Holy Evangels of Almighty GOD, (or Affirmation if a Quaker) "That the "Squirrels or Crows, of which he, ſhe, or they, then and there actually "produced the Heads or Scalps of, were really and *bonâ fide* killed within "ſaid County, after the ſaid Eleventh Day of *June*, Seventeen Hundred "and Sixty-two;" and upon ſuch Oath taken, or Affirmation made, that the Juſtice of the Peace of the ſaid County of *Baltimore*, before whom ſuch Oath ſhall be taken, or Affirmation made, and ſuch Scalps or Crows Heads produced, ſhall, and he or they are hereby directed, to burn, or cauſe to be burnt, ſuch Scalps or Heads, in his Preſence, to the entire deſtroying of them: And after ſuch Burning and Deſtroying, ſuch Juſtice of the Peace, ſhall, and he is hereby directed, to give to the Perſon or Perſons bringing ſuch Scalps or Heads, and making Oath or Affirmation as aforeſaid, a Certificate of his, her, or their having produced the ſame, inſerting therein the Number of each, and the County wherein the Party bringing them Proved the Killing ſuch Squirrels or Crows in. Perſons producing ſuch Scalps, *&c.* ſhall make Oath, *&c.* The Magiſtrate to burn the Scalps, and give Certificate.

III. And

CHAP. XXXIV.

The Allowance how paid.

III. **And be it likewiſe Enacted**, That ſuch Oath, or Affirmation if a Quaker, and Certificate obtained, ſhall entitle the Perſon and Perſons to the Quantity of Tobacco herein directed to be paid for ſuch Squirrels and Crows ſo killed, in the then next County Levy of the ſaid County of *Baltimore*.

Oath to be made, that the Squirrels or Crows were killed in *Baltimore* County.

IV. **And be it likewiſe Enacted**, That every Perſon who is obliged to kill any Number of Squirrels or Crows by this Act, or that ſhall be entitled to any Bounty for killing Squirrels or Crows by this Act, he, ſhe, or they, or ſome other credible Perſon, ſhall make Oath, (or Affirmation if a Quaker) before ſome Magiſtrate, that ſuch Squirrels or Crows were killed in the ſaid County of *Baltimore*; any Law to the contrary in any wiſe notwithſtanding.

The Tobacco may be diſcharged in Money, *&c.*

V. **Provided always**, That it ſhall and may be lawful for the ſeveral and reſpective Inhabitants within this Province, to pay and diſcharge the ſaid ſeveral and reſpective Quantities of Tobacco, ſo to be levied and raiſed, to and for the Uſes aforeſaid, in Current Money, in the ſame Manner as they are enabled to pay and diſcharge the Public or County Levy.

Duration.

VI. This Act to be in Force for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

ΤΩ ΘΗΩ ΔΟΞΑ.

Maryland, *ſct.* BE IT REMEMBER'D, That on the Twenty-fourth Day of *July*, One Thouſand Seven Hundred and Sixty-two, Perſonally appeared before Us **John Brice** and **George Steuart**, Eſq^rs. Two of his Lordſhip the Right Honourable the Lord Proprietary of the ſaid Province his Juſtices of the Provincial Court, *Reverdy Ghiſelin*, Gent. Clerk of the ſaid Provincial Court, and *Thomas Bacon*, Clerk, Rector of *All-Saints* Pariſh, in *Frederick* County, and produced Six Manuſcript Books or Volumes in Folio, Marked №° 1, №° 2, №° 3, №° 4, №° 5, and №° 6, containing a Tranſcript of the ACTS OF ASSEMBLY of this Province, now in Force or Uſe, from the Year 1637, to the Year 1762, both inclusive, as the ſame have been Collected into one Body by the aforeſaid *Thomas Bacon*; and made Oath on the Holy Evangels of Almighty GOD, That they had carefully and diligently Examined and Compared all the ſeveral Acts contained in the ſaid Tranſcript, which are Written at Large in the ſaid Six Books or Volumes, and to each of which Acts they have ſeverally ſet their Hands, with the Original Acts which Paſſed the GREAT SEAL of this Province, where ſuch Originals were extant, or to be found in the Secretary's Office of this Province; and, where the Originals of any of the ſaid Acts cou'd not be found, with the Records of the ſame, as they ſtand Recorded in the Secretary's Office aforeſaid. And that the ſaid ſeveral Acts contained in the ſaid Six Volumes or Tranſcript, and by them ſo Signed as aforeſaid, are true Copies of the Original Acts, or Records reſpectively, with which the ſame have been by them Compared and Examined as aforeſaid, to the beſt of their Knowledge, Skill, and Belief.

REVERDY GHISELIN,
THOMAS BACON.

JOHN BRICE,
GEORGE STEUART.

At

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Tueſday the 4th Day of *October*, in the 13th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 26th Day of *November*, *Annoq*; *Domini* 1763: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

An Act for the Adjournment of Baltimore *County Court*. *Lib.* H.S. *fol.* 430. Paſſed 31st *Oct.* 1763.

OBS.

Viz. From the firſt Tueſday of *November*, to the laſt Tueſday of the ſame Month.

CHAP. II.

An ACT for giving a Bounty for taking *Indian* Priſoners; and other Purpoſes therein mentioned. *Lib.* H.S. *fol.* 430. Paſſed 21st *Nov.* 1763.

N. B. By this Act, (1.) The Commiſſioners of the Loan Office, having a Sum of 2120 *l.* ſtill remaining in their Hands, of the ſeveral Sums appropriated by the Act of 1756, *ch.* 19, to the Payment for *Indian* Priſoners or Scalps, were directed to pay thereout, unto *Daniel Creſap*, *Michael Creſap*, *John Walker*, *Nathan Friggs*, *William Young*, *Abraham Richardſon*, and *Ezekiel Johnſon*, 50 *l.* for the Reward of a Scalp taken by them from the Party of *Indians*, who, in *July* laſt, attacked the Houſe of Colonel *Thomas Creſap*. The ſaid Perſons having engaged and routed the ſaid *Indians*, killing one of them on the Spot (whoſe Scalp they took) wounding others, and taking ſome of their Arms. And alſo a Reward of 50 *l.* to *James Davis*, of *Virginia*, who in *Auguſt* laſt, with others of the Neighbourhood, had purſued a Party of *Indians*, from *Cape-Capon*, on the South Side of *Patowmack* to *George*'s-Creek in this Province, where they overtook and engaged the ſaid *Indians*, recovering from them one *James Ciniſton* and his Wife, whom the ſaid *Indians* had taken Priſoners; and the ſaid *Davis* having ſhot and ſcalped one of the ſaid *Indians* in the Engagement. (2.) The Reſidue of the ſaid 2120 *l.* is appropriated to the Payment for *Indian* Scalps, or Priſoners, in Manner following, *viz.* For every Scalp of an *Indian* Enemy (being the Skin of the Crown of the Head) and for every live *Indian* Enemy, produced to any Magiſtrate of this Province, by any Inhabitant thereof (not being in Pay of this Province as a Soldier) or by any Friend *Indian*, 50 *l.* Current Money; and the like Reward for every ſuch Scalp of an *Indian* Enemy killed, or live *Indian* Enemy taken, within this Province, by any Reſident of another Province, and ſo produced as aforeſaid. (3.) Such Magiſtrate, after burning or deſtroying ſuch Scalp, ſhall give ſuch Perſon, or Friend *Indian*, a Certificate under his Hand, which being produced to the ſaid Commiſſioners, they ſhall pay the ſaid Reward to the Perſon producing the ſame, taking the Receipt of ſuch Perſon, or Friend *Indian*, for their Voucher. And when any *Indian* Enemy ſhall be brought Priſoner before a Magiſtrate, ſuch Magiſtrate ſhall commit ſuch Priſoner to the Cuſtody of the Sheriff, who ſhall detain him in Goal, at the Public Expence, till he be legally diſcharged. (4.) Every Perſon, not being an Inhabitant of this Province, or Friend *Indian*, who ſhall produce a Scalp, or *Indian* Priſoner, to any Magiſtrate, ſhall make Oath, or give other ſatisfactory Evidence to ſuch Magiſtrate, that ſuch Priſoner was taken, or ſuch Scalp taken from off an *Indian* killed within this Province, before Certificate thereof be given. And every ſuch Inhabitant, before he receive Certificate, ſhall make appear, as aforeſaid, that ſuch Scalp was taken, or ſuch Priſoner captivated, by him or by ſome other Perſon under whom, or in Company with whom he has a Right to claim the Reward. (5.) There being a Balance remaining in the Hands of the Agents for carrying the afore-recited Act, and that of 1756, *ch.* 5, as yet unapplied, the ſaid Agents, were directed to pay the ſame into the Hands of the Commiſſioners of the Loan Office; which Balance is hereby applied to the Payment for *Indian* Priſoners and Scalps as aforeſaid. (6.) This Act to continue for One Year, and to the End of the next ſucceeding Seſſion.

CHAP. III.

An Act for prohibiting all Trade with the Indians, *for the Time therein mentioned.* *Lib.* H.S. *fol.* 433. Ditto.

N. B. By this Act, (1.) No Perſon to Trade or Traffic with any Enemy *Indians*, for any Goods, &c. whatſoever; or to carry or tranſport any Goods, &c. with Intent to trade with ſuch *Indians*, on Penalty of 500 *l.* Currency for every ſuch Offence, to the Perſon ſuing for the ſame in any Court of Record. (2.) Goods, &c. detected in carrying, with Intent to trade with any *Indians*, out of this Province, to be liable to Seizure by any Perſons whatſoever; and on Information thereof to the next County Court, ſuch Goods to be condemned to be ſold by Public Auction, and the Money ariſing from the Sale, to be paid to the Perſon ſeizing, &c. (3.) No Perſon within this Province, to ſell or give to any *Indian* Woman or Child, any Gunpowder, Shot, or Lead, whatſoever, or to any *Indian* Man, within the Province, more than 1 ℔ Gunpowder,

CHAP. III.

powder, and 6 lb Shot or Lead, at any one Time; and not thoſe, or leſſer Quantities, oftener than once in 6 Months, on Penalty of 5 *l.* Current Money for every Pound of Gunpowder, and for every 6 lb of Shot, or Lead, ſold, or given to any *Indian*, contrary to this Act, to the Informer or Perſons ſuing for the ſame. (4.) All Sheriffs, *&c.* to be aiding in the Execution of this Act. (5.) To continue till the 1st *November* 1764; but in caſe of a Peace with the *Indians*, then to the Concluſion of the ſaid Peace, and no longer.

CHAP. IV.

Paſſed 21st *Nov.* 1763.

An ACT continuing an Act, entitled, [a] *An Act for relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law*; and for Continuing the [b] Supplementary Act thereto. *Lib.* H.S. *fol.* 434.

[a] 1714, *ch.* IV. [b] 1728, *ch.* XXIV. Both which are hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

CHAP. V.

Ditto.

An ACT continuing an Act, entitled, [c] *An Act for increaſing the Allowance of Grand and Petit Jurors who ſhall attend the Provincial Court; to limit Coſts with reſpect to Witneſſes, and granting them an Allowance for itinerant Charges.* *Lib.* H.S. *fol.* 435.

[c] 1760, *ch.* XVI. Hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

CHAP. VI.

Ditto.

* 1753, *ch.* 36.

An ACT continuing an Act, entitled, * *A Supplementary Act to the Act, entitled, An Act for the Relief of Creditors in* England *againſt Bankrupts, who have Imported Goods into this Province, not accounted for.* *Lib.* H.S. *fol.* 435.

Preamble.

WHEREAS, an Act of Aſſembly was made, at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, on the Second Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, entitled, *A Supplementary Act to the Act, entitled, An Act for the Relief of Creditors in* England *againſt Bankrupts, who have Imported Goods into this Province, not accounted for*, hath ſince, by Experience, appeared to be a good and wholſome Law, and very beneficial to the People of this Province:

The Act of 1753, *ch.* 36, made Perpetual.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the ſame Act ſhall be Perpetual, and is hereby continued, to be and remain in full Force for Ever.

CHAP. VII.

Paſſed 21st *Nov.* 1763.

An ACT continuing an Act, entitled, [d] *An Act for preventing* Indians, *diſaffected to the* Britiſh *Intereſt in* America, *from coming into this Province as Spies, or on any other evil Deſign.* *Lib.* H.S. *fol.* 436.

[d] 1756, *ch.* XIII. Hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

CHAP. VIII.

Ditto.

† 175 *ch.* 3, 10.

An ACT continuing an Act, entitled, † *An Act to prevent Perſons from Secreting Boats, Flats, and other Veſſels, drove by Streſs of Weather, or otherwiſe, from Landings and Moorings.* *Lib.* H.S. *fol.* 437.

Preamble.

WHEREAS, an Act of Aſſembly was made, at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, on the Second Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, entitled, *An Act to prevent Perſons Secreting Boats, Flats, and other Veſſels, drove by Streſs of Weather, or otherwiſe, from Landings and Moorings*, hath ſince, by Experience, appeared to be a good and wholeſome Law, and very beneficial to the People of this Province:

The Act of 1753, *ch.* 10,

II. Be

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the same Act shall be Perpetual, and is hereby continued, to be and remain in full Force for ever. CHAP. VIII made Perpetual.

CHAP. IX.

An ACT continuing an Act, entitled, * *An Act to remedy some Evils relating to Servants. Lib.* H.S. *fol.* 437. Passed 21st *Nov.* 1763.

* 1750, *ch.* V. Hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

CHAP. X.

An ACT continuing an Act, entitled, * *An Act to prevent Masters of Ships, and Vessels, from clandestinely carrying Servants and Slaves, or Persons Indebted, out of this Province. Lib.* H.S. *fol.* 438. Ditto.

* 1753, *ch.* 9.

WHEREAS an Act of Assembly of this Province, made at a Session of Assembly, begun and held at the City of *Annapolis*, on the Second Day of *October*, One Thousand Seven Hundred and Fifty-three, entitled, *An Act to prevent Masters of Ships, and Vessels, from clandestinely carrying Servants and Slaves, or Persons Indebted, out of this Province*, hath since, by Experience, appeared to be a good and wholesome Law, and very beneficial to the People of this Province: Preamble. The Act of 1753, *ch.* 9,

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the same Act shall be Perpetual, and is hereby continued, to be and remain in full Force for ever. made Perpetual.

CHAP. XI.

An ACT continuing an Act, entitled, † *A Supplementary Act to the Act, entitled, An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province, by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods. Lib.* H.S. *fol.* 438. Passed 21st *Nov.* 1763.

† 1750, *ch.* XXV. Hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

CHAP. XII.

An ACT continuing an Act, entitled, ‡ *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour, or Bread. Lib.* H.S. *fol.* 439. Ditto.

‡ 1745, *ch.* XV. Hereby continued, *&c.* for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

CHAP. XIII.

A Supplementary ACT, to the Act for the Relief of Creditors, and to prevent Frauds and Deceits, occasioned by secret Sales and Mortgages, and Gifts of Goods and Chattels. *Lib.* H.S. *fol.* 439. Ditto.

WHEREAS it hath been found by Experience, That the Setting up Parol Gifts of Negroes, and other Slaves, where the Donor hath retained the Possession and Use, is productive of Disputes and Law Suits, and hath a tendency to introduce Corruption and Perjury, and that such Gifts have been often established upon very slight and suspicious Testimony; For Remedy thereof, Preamble.

CHAP. XIII.

Gift of Slaves to be under Hand and Seal, acknowledged and recorded.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this Seſſion of Aſſembly, no Negro, or other Slave, whereof the Donor ſhall retain the Uſe and Poſſeſſion, ſhall paſs, alter or change, or any Property thereof be transferred to any Donee, unleſs the Gift be by Writing under the Hand and Seal of the Donor, and acknowledged before One Provincial Juſtice, or One Juſtice of the County where the Donor ſhall reſide, and Recorded in the Records of the ſame County within Twenty Days from the Time of the Execution thereof.

Proviſo, as to actual Delivery, or Bequeſt.

III. **Provided always**, and it is the true Intent and Meaning of this Act, That nothing herein contained, ſhall extend, or be conſtrued to extend, to make void any Parol Gift of any Negro, or other Slave, where there ſhall be an expreſs Delivery of ſuch Slave, in purſuance of ſuch Gift, and where the ſole Uſe and Poſſeſſion of the ſame ſhall be transferred to the Donee; nor to make void any Bequeſt of any Negro, or other Slave, by any Laſt Will and Teſtament.

CHAP. XIV.

Paſſed 21ſt Nov. 1763.

An Act to aid the Proceedings of the Veſtry of St. Stephen's *Pariſh, in* Cæcil *County. Lib.* H.S. *fol.* 440.

N. B. The Small-Pox raging in the Neighbourhood, ſo as to prevent the Election of Veſtrymen and Church-wardens on Eaſter Monday 1760; this Act makes good and valid all the Proceedings of the Veſtry-men and Church-wardens of the ſaid Pariſh, ſince the ſaid Eaſter Monday 1760, as if the Election of new Veſtry-men, *&c.* had been actually made on the Eaſter Monday aforeſaid, the ſaid Omiſſion notwithſtanding.

CHAP. XV.

Ditto.

An Act to impower John Paca, Robert Adair, Moſes Hill, *and* Margaret *his Wife, to ſell and diſpoſe of the Lands therein mentioned, late the Lands of* William Hammond, *of* Baltimore *County, Deceaſed, for the Payment of the Debts of the ſaid* William Hammond. *Lib.* H.S. *fol* 441. *PR.*

CHAP. XVI.

Ditto.

[h] 1746, *ch.* 7.

A Supplementary ACT to an Act, entitled, [h] *An Act for Erecting a County School in* Worceſter *County, and appointing Viſitors for the ſame. Lib.* H.S. *fol.* 445.

N. B. The Funds of the ſaid School being inſufficient for purchaſing 100, or more, Acres of Land, purſuant to the Directions of the Act of 1723, *ch.* 19; This Act, (1.) Impowers and directs the Viſitors, with all convenient Speed, to purchaſe Four Lots in *Snow-hill* Town, to them and their Succeſſors for ever, for the Uſe of the ſaid School; and thereon to cauſe a Public School for the ſaid County to be erected and built, *&c.* (2.) And whereas, at the Time of Erecting *Worceſter* County, by the Diviſion of *Somerſet* County, there was a conſiderable Sum in the Hands of the Viſitors of *Somerſet* County School, they are hereby made accountable to, and ordered to pay to, the Viſitors of *Worceſter* County School, one Moiety of the Money which was in their Hands at the Time of the Diviſion aforeſaid of *Somerſet* County: And the Viſitors of *Worceſter* County School, are impowered to demand and receive from the Viſitors of *Somerſet* County School, the ſaid Moiety, for the Uſe of *Worceſter* County School; and in caſe of Refuſal, to Sue the Viſitors of *Somerſet* County School, to account for and pay the ſaid Moiety, *&c.* But the Viſitors of *Somerſet* County School, ſhall not be anſwerable for the ſame out of their own private Monies or Eſtates; but it ſhall be paid, or (if neceſſary) levied out of the Monies belonging to *Somerſet* County School, now in the Hands of the Viſitors, or the Treaſurers, or which ſhall hereafter come to their, or any of their, Hands. (3.) There being at the Time of the Diviſion of *Somerſet* County, in the Hands of *James Hollyday*, Eſq; deceaſed, late Treaſurer of the Eaſtern Shore, ſundry Sums of Money due to *Somerſet* County School, the Viſitors of *Worceſter* County School, are impowered and directed to receive from *James Hollyday*, Eſq; Executor of the ſaid *James Hollyday*, deceaſed, the one Moiety of all ſuch Sums, which at the Time of the Diviſion of *Somerſet* County, were in the Hands of the ſaid late Treaſurer due to *Somerſet* County School, *&c.*

CHAP. XVII.

Ditto.

An Act for the Adjournment and Continuance of Frederick *County Court. Lib.* H.S. *fol.* 446. *OBS.*

Viz. From the third Tueſday in *November*, to the ſecond Tueſday in *December*.

CHAP.

CHAP. XVIII.

An ACT for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees. *Lib.* H.S. *fol.* 447.

Passed 21st *Nov.* 1763.

WHEREAS it is thought convenient by this General Assembly, to have a Law for preventing the Exportation of bad, unsound, and trashy Tobacco, and to prevent the many Frauds in deceiving his Majesty of his Customs, and for Limitation of Officers Fees: Preamble.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That all Tobacco which shall be Exported out of this Province, from and after the last Day of *November,* Seventeen Hundred and Sixty-three, shall be first brought to some or one of the public Warehouses herein after mentioned, and shall be there viewed and inspected in Manner as is herein after expressed, except such Tobacco as hath been, or shall be, inspected before the said last Day of *November,* under any Act of Assembly of this Province. No Tobacco to be exported, 'til first brought to a public Warehouse, and there inspected.

III. **And be it further Enacted,** *by the Authority aforesaid,* That no Person shall put on board, or receive into any Ship, Sloop, Boat, or other Vessel, in order to be exported therein, any such Tobacco not packed in Hogsheads, Casks or Cases, upon any Pretence whatsoever; nor in any Hogshead, Cask or Case, to be in that, or any other Ship, Sloop, or Vessel, exported out of this Province, before the same shall have been viewed and inspected, according to the Directions of this Act (except as before excepted:) But that all such Tobacco, to be received or taken on board any Ship, Sloop, or other Vessel, and to be therein exported; or to be carried or put on board any other Ship, Sloop, or Vessel, for Exportation, as aforesaid; shall be received or taken on board at the several Warehouses for that Purpose herein after mentioned, or some or one of them, and at no other Place or Places whatsoever. And every Master, Mate, or Boatswain, which shall arrive in this Province, in order to lade Tobacco, during the Continuance of this Act, shall, before the said Ship or Vessel be permitted to take on board any such Tobacco, make Oath, or Affirmation if a Quaker, before the Naval Officer of the District wherein such Ship or Vessel shall arrive, (which Oath the said Naval Officer is hereby impowered and required to administer); "*That they will not permit any such Tobacco to be taken on board their respective Ships or Vessels, except the same be packed in Hogsheads, Casks or Cases, stamped by some Inspector, as by Law directed, legally thereunto appointed:*" Which Oath they shall subscribe in a Book, to be kept by the Naval Officer for that Purpose. And if any such Master shall cause any Person who is not really, and *bonâ fide,* Mate or Boatswain of the Ship, or Vessel, to come on Shore and take such Oath, he shall, for the said Offence, forfeit and pay Four Thousand Eight Hundred Pounds of Tobacco: And if any Master or Commander of any Ship or Vessel, shall take on board, or suffer to be taken on board the Ship or Vessel whereof he is Master, any Tobacco brought from any other Place, than some or one of the public Warehouses herein after mentioned, or any Hogshead, Cask or Case of Tobacco, not stamped by some lawful Inspector, or shall suffer to be brought on board, any Tobacco, except in Hogsheads, Casks or Cases, stamped as aforesaid, every such Master and Commander shall forfeit and pay Four Thousand Eight Hundred Pounds of Tobacco for every Hogshead, Cask or Case of Tobacco, which shall not have been brought from one of the public Warehouses, or which shall not be stamped as aforesaid; and moreover, every such Hogshead, Cask or Case of Tobacco, shall be forfeited.

No Tobacco to be exported in Bulk; or taken on board at any other Places than some public Warehouse, after it hath been inspected.

Oath to be taken by every Master, &c. of a Tobacco Ship.

Penalty on such Master causing any other than his Mate or Boatswain to swear.

Penalty on Masters taking Tobacco on board contrary to this Act,

and the Tobacco to be forfeited.

CHAP. XVIII.

Penalty for taking Tobacco on board in Bulk, *viz.* On the Skipper of any Sloop or Boat,

IV. **And forasmuch** as the permitting Tobacco in Bulk or Parcels to be Water-born, on Pretence of being carried to the Warehouſes eſtabliſhed by this Act, may give great Opportunity to the clandeſtine Running the ſame on board the Ships lying at or near the ſaid Warehouſes, whereby the Evil of Exporting traſh Tobacco may be ſtill continued; **Be it further Enacted,** *by the Authority aforeſaid,* That if any Perſon, taking upon himſelf to carry any Tobacco to or from any of the ſaid Warehouſes, in his Sloop, Boat, or other Veſſel, for Hire, ſhall preſume to take on board, or permit or ſuffer to be taken on board, any Tobacco whatſoever, in Bulk or Parcels, ſuch Tobacco ſhall not only be forfeited, and may be ſeized by any Perſon or Perſons whatſoever; but ſuch Maſter or Skipper offending herein ſhall forfeit and pay Two Hundred and Forty Pounds of Tobacco for every Hundred Pounds weight of ſuch Tobacco, and ſo proportionably for a greater or leſſer Quantity: And

on Maſters of Ships,

the Maſter or Commander of any Ship or Veſſel wherein any Tobacco in Bulk or Parcels ſhall be found, ſhall, over and above the Forfeiture thereof, be liable to the ſame Penalty: To be recovered, if it doth not exceed Twelve Hundred Pounds of Tobacco, before any Three Juſtices of the Peace, of any County near the Place where ſuch Ship, Sloop, Boat, or other Veſſel ſhall lie; and if it exceeds Twelve Hundred Pounds of Tobacco, in any Court of Record, by Action of Debt, wherein the Plaintiff ſhall recover Coſts. And every Servant, Slave, or other Perſon, employed in Navigating any ſuch Sloop, Boat, or other Veſſel, who ſhall connive at, or conceal, the taking or receiving on board any Tobacco in Bulk or Parcel as aforeſaid, ſhall, by Order of any one Juſtice, receive on his bare Back, Thirty-nine Laſhes, well laid on: And if ſuch Sloop, Boat, or other Veſſel, be under the Care and Management of a Servant who cannot ſatisfy and pay the ſaid Penalty, then ſuch Servant, and every other Perſon employed under him, who ſhall be guilty of conniving at, or concealing, the taking on board Tobacco in Bulk or Parcel as aforeſaid, ſhall, upon Complaint thereof made to any Juſtice of the Peace, have and receive, by Order of the ſaid Juſtice, Thirty-nine Laſhes, well laid on. And if ſuch Servant ſhall be again truſted with the Care and Management of any Sloop, Boat, or other Veſſel, and ſhall be convicted a ſecond Time of taking or receiving on board the ſame, any Tobacco in Bulk or Parcel, contrary to the Directions of this Act, the Owner of ſuch Servant ſhall forfeit and pay the like Sum of Two Hundred and Forty Pounds of Tobacco for every Hundred Pounds weight of ſuch Tobacco, and ſo in Proportion for a greater or leſs Quantity, ſo taken or received on board in Bulk or Parcel; and ſhall alſo forfeit and pay Sixty Pounds of Tobacco for every Day ſuch Servant ſhall thereafter be employed as Skipper or Maſter of any Sloop, Boat, or other Veſſel, to him belonging: To be recovered and applied as aforeſaid.

on Servants or Slaves employed in Boats, &c.

on the Skipper, if a Servant, and not able to pay.

On the Owner of ſuch convicted Skipper, if again truſted with the Care of his Boat.

Proviſo, in regard to Tobacco carrying by Water to Inſpecting-houſes, &c.

V. **Provided always,** That nothing herein before contained, ſhall be conſtrued to prohibit any Perſon from carrying, or cauſing to be carried, to the ſaid Warehouſes, in any Boat, or other Veſſel, any Tobacco in Bulk or Parcels, for the Payment of his or her Levies, Debts, or other Duties; nor to prohibit any Perſon to put or take on board any Sloop, Boat, or other Veſſel, any Hogſheads, Caſks or Caſes of Tobacco, to be Water-born to any Warehouſe or Warehouſes appointed by this Act, ſo as the ſame be not carried out of the Naval Officer's Diſtrict wherein the ſaid Tobacco ſhall be made; nor to prohibit the Owner of any Tobacco to tranſport his Crops, or any Part thereof, in Hogſheads, Caſks or Caſes, from one Place to another, for the better handling and managing thereof; nor any Purchaſer of Tobacco from bringing the ſame by Water to be re-packed, ſorted, ſtemmed, or prized, before the ſame be carried to the ſaid Warehouſes, ſo as ſuch laſt-mentioned Tobacco be packed in Hogſheads, Caſks or Caſes.

VI. **And be it further Enacted,** That if the Skipper of any Sloop, Boat, or other Veſſel, or other Perſon or Perſons to whom the Care and Management

ment thereof shall be entrusted, shall Land or put on Shore any Hogshead, Cask or Case of Tobacco, put on board the same to be carried to any public Warehouse, at any other Place or Places than the Warehouse or Warehouses by this Act appointed for the Reception and Inspection of Tobacco, or at some or one of them, or the Wharfs or other Landing to such Warehouse or Warehouses belonging; or shall put the same on board any other Vessel, or suffer the same to be done, so as the same be not delivered at some of the said public Warehouses, without Fraud or Embezzlement, or shall open any Hogshead, Cask or Case of Tobacco, so as aforesaid Water-born and Landed, and take thereout any Tobacco before the same be viewed by some Inspector or Inspectors, according to the Directions of this Act; or, after the same has been viewed, shall fraudulently open any Hogshead, Cask or Case, and take thereout any Tobacco, every such Offence shall be adjudged Felony; and the Offender or Offenders shall suffer by Whipping and Pillorying, and paying Fourfold, as in Case of Felony.

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Tobacco relanded, unless at Inspecting Houses, &c. or fraudulently embezzelled, or taken out of Cask by any Skipper, &c. before or after Inspection,

to be adjudged Felony.

VII. **Provided always,** That nothing herein before contained shall be construed to prohibit the Landing or putting on Shore, any Hogshead, Cask, or Case of Tobacco, out of any Sloop, Boat, or other Vessel, so as such Landing be really and *bonâ fide* for the Preservation of the Tobacco laden in such Vessel, and that the same be with all convenient Speed, carried thereafter to the Warehouse or Ship (as the Case shall be) to which it was designed, without Embezzlement.

Unless for necessary Preservation of the Tobacco.

VIII. **Provided also,** That if by any Accident, or Negligence of the Master or Skipper of any Vessel, any Tobacco which hath been viewed and stamped, shall, in it's Carriage to the Ship, in which it is intended to be exported, receive so much Damage as the Master of such Ship will not receive it on board, every Hogshead, Cask, or Case of Tobacco, so damnified, shall, with all convenient Speed, be carried to some Warehouse, appointed by this Act, and there lodged, until the Owner of such Tobacco, or Master of the Vessel in which it was damaged, shall have separated the same, and then the remaining good Tobacco shall be stamped by the Inspector or Inspectors attending such Warehouse, without Fee or Reward.

Tobacco damaged in it's Carriage to the Ship, may be relanded, at some Inspecting-house, and there to be separated and repacked.

IX. **Provided always,** That every Person appointed, or to be appointed, an Inspector, by Virtue of this Act, shall yearly, before he enters upon the Execution of the said Office, enter into Bond, with good Surety, before Two Magistrates of the County wherein the Inspecting-House, at which such Inspector shall serve, is situate, in the Penalty of Forty Eight Thousand Pounds of Tobacco, payable to the Lord Proprietary, his Heirs, and Successors, with Condition for the true and faithful Performance of his Duty, according to the Directions of this Act, and shall also take the following Oath, or Affirmation if a Quaker, *That is to say*;

Inspectors to give Bond with Sureties, for the due Execution of their Office.

You shall Swear (or Affirm), That you will, diligently and carefully, view and examine, all Tobacco brought to any public Warehouse, or Warehouses, where you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and inspect; and that you will not receive any Tobacco that is not, in your Judgment, sound, well-conditioned, merchantable, and clear of Trash; nor receive, pass, or stamp, any Tobacco, or Hogshead, Cask, or Case of Tobacco, prohibited by an Act of Assembly, entitled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees; *and that you will receive, pass, and stamp, all Tobacco that is sound, well-conditioned, merchantable, and clear of Trash, and in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the best of your Skill and Judgment, and according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality.* So help you GOD.

The Oath of an Inspector.

Which Oath, or Affirmation, shall and may be taken before any one Justice of the Peace, for the County where such Inspector shall officiate, and by such

Justice

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Juſtice certified to the Veſtry-men and Church-wardens of the Pariſh, and an Entry thereof made in the Book which the ſaid Veſtry are obliged to keep, by this Act. And if any Perſon ſhall preſume to execute the Office of an Inſpector, before he has given ſuch Bond, and taken ſuch Oath, or Affirmation, as aforeſaid, as alſo the Oaths, or Affirmations, preſcribed by Law to be taken to the Government, and ſubſcribe the Oath of Abjuration, and repeat and ſubſcribe the Teſt, he ſhall forfeit and pay Eighty Thouſand Pounds of Tobacco.

Penalty for acting before Security given, or taking the Oaths, &c.

X. **And be it further Enacted,** That all Inſpectors to be appointed by virtue of this Act, ſhall attend their Duty at the Warehouſe, or Warehouſes, under their Charge, from the firſt Day of *November* to the firſt Day of *April*, as often as required; and conſtantly from the ſaid firſt Day of *April* to the laſt Day of *July*, yearly, (except Sundays and the Holidays obſerved at Chriſtmas, Eaſter, and Whitſuntide, or when hindered by Sickneſs, or in ſuch Caſes wherein this Act ſhall otherwiſe provide): And afterwards, they, or one of them, ſhall conſtantly attend at the ſame (except on Sundays) to deliver out Tobacco for Exportation, 'til all the Tobacco remaining there the ſaid laſt Day of *July*, ſhall be ſo delivered: And every Inſpector neglecting to attend, as aforeſaid, ſhall forfeit and pay to the Party grieved, Sixty Pounds of Tobacco, for every Neglect, or ſhall be liable to the Action upon the Caſe of the ſaid Party grieved, to recover all Damages which he or ſhe ſhall have ſuſtained, by Occaſion of any ſuch Neglect, together with his or her full Coſts, at the Election of ſuch Party. And all Inſpectors ſhall uncaſe and break every Hogſhead, Caſk, and Caſe of Tobacco, brought to them to be Inſpected, as aforeſaid; and if the Inſpectors or Inſpector (where One only is appointed by this Act), ſhall be of Opinion, that the ſame is ſound, well-conditioned, merchantable, and clear of Traſh, then ſuch Tobacco ſhall be weighed in Scales with Weights of the lawful Standard, and the Hogſhead, Caſk, or Caſe, ſhall alſo be weighed by the ſaid Inſpector or Inſpectors, and ſtampt and marked with a hot Iron, on the Head and Bulge, in the Preſence of the ſaid Inſpector or Inſpectors, as the Caſe ſhall be, with the Name of the Warehouſe at which the Tobacco therein contained, ſhall be viewed and inſpected, as aforeſaid, and alſo with the Tare of the Hogſhead, Caſk, or Caſe, and Quantity of nett Tobacco therein contained. But if at any Houſe, for which by this Act Two Inſpectors are appointed, the ſaid Inſpectors ſhall at any Time diſagree concerning the Quality of any Tobacco, brought for their Inſpection to any Warehouſe under their Charge, they ſhall, without Delay, or as ſoon as conveniently may be, call from the next adjacent Warehouſe or Inſpection, another Inſpector, who ſhall determine the Difference, and paſs, or reject, ſuch Tobacco. And when any Inſpector ſhall bring his own Tobacco to the Warehouſe whereof he is Inſpector, the ſame ſhall not be paſſed or ſtamped, unleſs it be firſt viewed, examined, and found good, and qualified as aforeſaid, by the other Inſpector there attending, or by one or both the Inſpectors, as the Caſe ſhall require, from the next adjacent Warehouſe; and in caſe that any Inſpector ſhall bring his own Tobacco, to the Warehouſe whereof he is the only Inſpector, the ſame ſhall be firſt viewed, and examined as aforeſaid, by the Inſpectors or Inſpector, of the next adjacent Warehouſe.

Times of the Inſpectors Attendance.

Penalty for Neglect.

The Duty of Inſpectors, in viewing Tobacco.

What is to be done when Inſpectors diſagree.

Inſpector's own Tobacco, how to be paſſed.

XI. **And be it further Enacted,** That it ſhall and may be lawful in caſe of the Sickneſs or other Diſability of one Inſpector, that the other may by himſelf, and he is hereby authorized and impowered to do and execute all the Powers and Authorities, which, by this Act, the Two Inſpectors together might do, as fully to all Intents and Purpoſes, as if they were both preſent. **Provided,** That if any Inſpector ſhould not be really Sick, but under Pretence thereof abſent himſelf from the Warehouſe he ought to attend, and from the doing his Duty there, he ſhall forfeit and pay for every Day he ſhall abſent himſelf, the Sum of Three Hundred and Twenty Pounds of Tobacco, to be recovered before one Magiſtrate, as in Caſe of ſmall Debts, one half thereof

In caſe of one Inſpector's Sickneſs, the other may act.

Feigning Sickneſs, the Penalty.

thereof to the Use of the Informer, and the other to the ſeveral and reſpective Counties, to defray the Expence that hath, or may accrue, in the due Execution of this Act. **And alſo Provided**, That the Inſpector ſo acting alone, ſhall be anſwerable for all and every the Hogſheads or Parcels of Tobacco, ſo by him inſpected and paſſed, and that his Bond ſhall and may, if Occaſion be, be ſued for any Breach of the Condition thereof by ſuch Inſpector committed, during the Abſence of ſuch ſick or diſabled Inſpector.

Inſpector acting alone, ſhall be anſwerable for the Tobacco.

XII. **And be it further Enacted**, That if it ſhall hereafter happen, that both the Inſpectors at any Houſe, ſhall at the ſame Time be ſick or diſabled, and thereby prevented from attending their Duty, that then and in ſuch Caſe only, it ſhall and may be lawful for each of the ſaid Inſpectors, and they and each of them, are hereby required to nominate and appoint One other Perſon, being a ſufficient Planter, and well ſkilled in Tobacco, which Two Perſons ſo as aforeſaid to be appointed, are to view, inſpect, paſs, and ſtamp, or refuſe, the Tobacco brought to the ſaid Houſe, during the Sickneſs or Diſability of ſuch ſick or diſabled Inſpectors; each of the ſaid two Perſons ſo appointed, firſt taking the Oath of Office, and other Oaths, (or Affirmation, if a Quaker) directed by this Act to be taken by Inſpectors, and ſubſcribing the Oath of Abjuration, and repeating and ſubſcribing the Teſt; and the ſaid ſick or diſabled Inſpectors, and their Sureties, ſhall ſtill be anſwerable for the ſaid Tobacco, ſo by the Perſons by them ſeverally appointed, inſpected and paſſed, in the ſame Manner, as if they and each of them had perſonally officiated.

In caſe both Inſpectors ſhould be ſick, they muſt appoint

Two other Perſons, who muſt be ſworn;

But the Inſpectors be anſwerable.

XIII. **And be it further Enacted**, That if it ſhall hereafter happen, that the Inſpector at any Houſe where but One is by this Act appointed, ſhall be ſick or diſabled, and thereby prevented from attending his Duty, that then and in ſuch Caſe only, it ſhall and may be lawful for ſuch Inſpector, and he is hereby required to nominate and appoint One other Perſon, being a ſufficient Planter, and well ſkilled in Tobacco, which Perſon ſo as aforeſaid to be appointed, is to view, inſpect, paſs, and ſtamp, or refuſe, the Tobacco brought to the ſaid Houſe, during the Sickneſs or Diſability of ſuch ſick or diſabled Inſpector, (the ſaid Perſon ſo appointed firſt taking the Oath of Office, and other Oaths, or Affirmation if a Quaker) directed by this Act to be taken by Inſpectors, and ſubſcribing the Oath of Abjuration, and repeating and ſubſcribing the Teſt; and the ſaid ſick or diſabled Inſpector, and his Sureties, ſhall ſtill be anſwerable for the ſaid Tobacco, ſo by the Perſon by him appointed, inſpected and paſſed, in the ſame Manner, as if he had perſonally officiated.

Where there is but one Inſpector, and he ſick, he muſt appoint

One other Perſon who muſt be ſworn;

But himſelf to be anſwerable.

XIV. **And be it further Enacted**, That if any Tobacco ſhall be brought to any of the ſaid Warehouſes, the ſaid Inſpectors, or One of them, in caſe of Sickneſs or other Diſability where Two are appointed to attend ſuch Houſe, or the Inſpector, if One only is appointed to attend, after he or they, hath or have, viewed, examined, and weighed, the ſaid Tobacco, according to the Directions of this Act, ſhall be obliged to deliver to the Perſon bringing the ſame, as many promiſſory Notes under the Hands of the ſaid Inſpectors, or Inſpector, as ſhall be required, for the full Quantity received by them or him, in which ſhall be expreſſed, whether the Tobacco ſo received, be Stemmed, Leaf, or Coloured; which Notes ſhall, and are hereby declared to be Current in all Tobacco Payments whatſoever, in the County where the Tobacco ſhall be Inſpected, according to the Species expreſſed in the Note, and ſhall be transferable from one to another in all ſuch Payments, (except as herein is excepted), and ſhall be paid and ſatisfied by the Inſpector or Inſpectors, who ſigned the ſame, upon Demand: And for every Hogſhead of Tobacco brought to any public Warehouſe, for the Diſcharge of any public or private Debt, in good Caſk, of ſuch Dimenſions as herein after expreſſed, there ſhall be allowed by the Inſpector or Inſpectors thereof, to the Perſon bringing

Notes to be given by Inſpectors for Transfer Tobacco; which ſhall be current in Tobacco Payments within the County,

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bringing the ſame, after the Rate of Four Pounds of Tobacco, for every Hundred Pounds the Tobacco therein contained ſhall weigh, after the ſame ſhall be viewed and paſſed. And the ſaid Inſpector or Inſpectors ſhall, and are hereby obliged to make every Hogſhead by him or them paid away, in Diſcharge of any Note by him or them given as aforeſaid, to contain One Thouſand Pounds of Nett Tobacco at the leaſt, excluſive of the Allowance for the Caſk; and for every ſuch Hogſhead of Tobacco by him or them paid away, well lined and nailed fit for Shipping, there ſhall be paid by the Perſon receiving ſuch Hogſhead, Fifty-ſix Pounds of Tobacco for inſpecting, and Four Pounds of Tobacco for Nails; which ſaid Sum of Four Pounds of Tobacco, the ſaid Inſpectors or Inſpector ſhall and may retain in his or their Hands, for his or their own Uſe, to reimburſe him or them the Expence of providing Nails: And the Perſon demanding or receiving Tobacco in Diſcharge of Notes as aforeſaid, ſhall allow to the Inſpector or Inſpectors Four Pounds of Tobacco *per Centum*, for the Caſk, and Two Pounds of Tobacco for every Hundred Pounds of Tobacco contained in ſuch Notes; and ſo proportionably for a greater or leſſer Quantity, for Shrinkage and Waſting, if the ſaid Tobacco be paid at any Time within Two Months after the Date of the Note given for the ſame; and One Pound of Tobacco for every Hundred, for every Month the ſame ſhall be unpaid after the ſaid Allowance; ſo as ſuch Allowance for Shrinkage and Waſting, do not exceed in the whole, Six Pounds of Tobacco for every Hundred. And if any Inſpector or Inſpectors, by whom any ſuch Notes for Tobacco as aforeſaid ſhall be ſigned, ſhall refuſe or delay to pay and ſatisfy the ſame when demanded, every Inſpector ſo refuſing or delaying, ſhall forfeit and pay to the Party injured, double the value of the Tobacco ſo refuſed or delayed to be paid; to be recovered with Coſts, in any Court of Record within this Province, if the Note or Notes ſo refuſed or delayed to be paid exceed Six Hundred Pounds of Tobacco; and if the ſaid Note or Notes do not exceed Six Hundred Pounds of Tobacco, double the Value aforeſaid ſhall and may be recovered before any Juſtice of the Peace of the County wherein the Warehouſe ſhall be, at which the Note or Notes ought to be paid.

Allowance of 4 per Cent, if brought in good Caſk.

Weight of Tranſfer Tobacco, when paid out.

Allowance to Inſpectors for Inſpecting, and Nails,

for Shrinkage.

Inſpectors delaying Payment on Demand,

The Penalty.

Inſpectors not to give Notes unleſs they have the Tobacco.

XV. **And be it further Enacted**, That no Inſpector or Inſpectors ſhall hereafter, on any Pretence whatſoever, preſume to give out any promiſſory Note or Notes for Tobacco, to any Perſon whatſoever, unleſs he or they ſhall have actually received and paſſed the full Quantity of Tobacco, for which ſuch Note or Notes ſhall be given, under the Penalty of his or their forfeiting of his or their Year's Salary; nor ſhall any Inſpector or Inſpectors, hereafter preſume to give out any Crop Note, or Receipt, in lieu of Transfer Tobacco, unleſs the Hogſhead of Tobacco, for which ſuch Note or Receipt ſhall be ſo given out, ſhall be actually and *bonâ fide*, prized, and ready to be delivered for Exportation, under the Penalty of Eight Hundred Pounds of Tobacco, for every Crop Note, or Receipt, ſo given.

Penalty.

Nor any Crop Note in lieu of Tranſfer, unleſs prized, &c.

Crop Hogſheads to be inſpected and ſtamped; and Notes given for them.

XVI. **And be it further Enacted**, *by the Authority aforeſaid*, That all Tobacco brought to any of the ſaid Warehouſes in Hogſheads, Caſks, or Caſes, to be exported on Account and for the Uſe of the Owner thereof, after the ſame ſhall have been viewed, examined, and weighed, and found to be Good, ſhall be ſtampt as herein before directed: And the ſaid Inſpector, or Inſpectors, ſhall deliver to the Perſon bringing the ſame, as many Receipts ſigned as aforeſaid, as ſhall be required for the Number of Hogſheads ſo brought and ſtampt. And for every Hogſhead, Caſk, or Caſe, brought to any of the ſaid Warehouſes on the Eaſtern Shore, to be exported, on Account and for the Uſe of the Owners thereof, there ſhall be paid to the Inſpector, or Inſpectors there attending, Twenty-eight Pounds of Tobacco, for viewing, examining, and ſtamping the ſame; and the Owners of the ſaid Tobacco ſhall find and provide Nails for the Nailing thereof. And for every Hogſhead, Caſk, or Caſe, brought to any of the ſaid Warehouſes on the Weſtern-Shore, to

28 ℔ of Tobacco allow'd on the Eaſtern-Shore to be paid the Inſpectors, and

24 ℔ of Tobacco on the Weſtern, per Crop Hogſhead.

to be exported on Account and for the Use of the Owners thereof, there shall be paid to the Inspector or Inspectors there attending, Twenty-four Pounds of Tobacco, for viewing, examining, and stamping the same; and the Owners of the said Tobacco shall find and provide Nails for the nailing thereof.

What is lawful Tender of Tobacco Debts.

XVII. **And be it further Enacted**, That during the Continuance of this Act, no Tender of any Debt or Duty payable in Tobacco shall be accounted lawful, unless Payment of the same shall be tendered in Inspector or Inspectors Notes or Receipts.

What Tobacco shall not be passed.

Legal Size of Hogsheads.

XVIII. **And** for restraining the undue Practice of mixing trash with stemmed Tobacco, and preventing the packing Tobacco in unsizeable Casks, **Be it Enacted and Declared**, That all stemmed Tobacco not laid strait, whether the same be packed loose or in Bundles; and all Tobacco packed in Hogsheads which exceed Forty-eight Inches in the Length of the Stave, and Seventy Inches in the whole Diameters within the Staves at the Croze and Bulge, shall be accounted unlawful Tobacco, and shall not be passed or received: But the Owner of such Tobacco, packed in Casks of greater Dimensions than before expressed, shall be obliged to re-pack the same in sizeable Cask, at his own Cost and Charge, before the same shall be stamped by the said Inspectors.

Punishment for forging Notes or Stamps, &c.

Packing Tobacco into stamped Casks, &c.

Whipping and Pillorying.

XIX. **And be it further Enacted**, That if any Person whatsoever shall forge or counterfeit the Stamp, Note, or Receipt, of any Inspector, or Inspectors, or tender in Payment any such forged or counterfeited Note or Receipt, knowing it to be such; or export, or cause to be exported, any Hogshead, Cask, Case, Chest, Box, or other Package of Tobacco, stampt with a forged or counterfeit Stamp; or demand Tobacco of any Inspector, or Inspectors, upon any such forged or counterfeited Note or Receipt, knowing such Note or Receipt, or such Stamp, to be forged or counterfeited; or shall put or pack into any Hogshead, Cask, or Case of Tobacco, stamped by any Inspector, any Tobacco whatsoever; or shall draw or take out any Stave, Plank or Heading-board of any Hogshead, Cask, or Case of Tobacco, after such Hogshead, Cask, or Case of Tobacco, shall be delivered out from any of the public Warehouses aforesaid; every Person so offending, and being thereof convicted by due Course of Law, shall receive Thirty-nine Lashes on his, her, or their bare Back, and stand in the Pillory for the Space of Two Hours; and that in all such Cases, the Testimony of the Inspector or Inspectors, joined with other strong and corroborating Circumstances, shall and may be admitted as Evidence.

Inspectors Notes or Receipts being lost, mislaid, or destroyed; in what Manner the Tobacco contained therein may be recovered notwithstanding.

XX. **And be it further Enacted**, *by the Authority aforesaid*, That if any Inspector or Inspectors Notes or Receipts be casually lost, mislaid, or destroyed, the Person or Persons entitled to receive the Tobacco by virtue of any such Note or Receipt, shall make Oath, or Affirmation if a Quaker, before a Justice of the Peace of the County where the same is payable, "*to the "Number or Date of every such Note or Receipt, to whom and where payable, "and for what Quantity of Tobacco the same was given, and that such Note "or Receipt is lost, mislaid, or destroyed; and that he, she, or they, at the "Time such Note or Receipt was lost, mislaid, or destroyed, was lawfully en-"titled to receive the Tobacco therein mentioned;*" and shall take a Certificate thereof from such Justice: And upon producing a Certificate of such Oath, or Affirmation, to the Inspector or Inspectors who signed such Note or Receipt, and lodging the same with them, the said Inspector or Inspectors shall, and he or they are hereby directed to pay and deliver to the Person obtaining such Certificate, the Tobacco for which any such Notes or Receipts were given (if the same, or any Part thereof, shall not have been before by him or them paid, by virtue of the said Notes or Receipts,) and shall be thereby discharged from all Actions, Suits, and Demands, on Account of such Notes or

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Receipts. And if any Perſon ſhall be convicted of making a falſe Oath or Affirmation, or producing a forged Certificate, in the Caſe aforeſaid, he ſhall forfeit and pay Two Hundred and Forty Pounds of Tobacco for every Hundred Pounds Weight of Tobacco contained in ſuch Certificate, and ſo in Proportion for a leſs Quantity; and moreover, upon Conviction in any Court of Record, ſhall ſuffer as in Caſe of wilful and corrupt Perjury.

Penalty and Puniſhment in Caſe of falſe Swearring and Forgery.

Public and County Levies, Pariſh Charges, Officers and Attorneys Fees, where to be paid, if in Tobacco.

XXI. **And be it further Enacted,** *by the Authority aforeſaid,* That all Tobacco due, or to grow due and payable, for Public and County Levies, Parochial Charges, and all Officers and Attorneys Fees, which ſhall not be diſcharged and paid in Gold and Silver, as by this Act is directed, and the Allowance to the Clergy hereby ſettled, ſhall be paid and diſcharged in the following Manner; *That is to ſay,* The Public and County Levies, in any of the Warehouſes within the County on which the ſame ſhall be levied; Parochial Charges, and the Allowance to the Clergy, in ſome Warehouſe within that Pariſh, if required; and all Officers and Attorneys Fees, in ſome of the Warehouſes within the County where the Perſon ſhall live to whom the ſame ſhall be Chargeable: And ſhould there happen to be any County or Pariſh without a Warehouſe, that then and in ſuch Caſe all the aforeſaid Public and County Levies, Parochial Charges, Officers and Attorneys Fees, or ſuch Part thereof as ſhall not be paid in Gold or Silver, and Clergy's Allowance, ſhall be paid by Inſpector or Inſpectors Notes, at ſome Warehouſe or Warehouſes in the next adjacent County or Pariſh, as the Caſe may require. **Provided always,** That no Transfer Notes of the preceding Year ſhall paſs in any ſuch Payment.

Old Notes not to paſs.

Sheriff's Commiſſion, 6 per Cent on the Levies.

XXII. **And be it Enacted,** That at the Time of laying any Public or County Levies, there ſhall be levied for the Sheriff that is to collect and pay the ſame, Six Pounds *per Centum,* and no more; which the ſaid Sheriff is hereby impowered to retain in his own Hands.

Thirty per Poll to be paid the Clergy, inſtead of 40 by the Act of 1702, *ch.* 1.

XXIII. **And be it further Enacted,** That during the Continuance of this Act, the County Courts ſhall levy on the taxable Inhabitants of the reſpective Pariſhes, or Part of Pariſhes, within their Counties, no more than Thirty Pounds of Tobacco per Poll, inſtead of Forty Pounds of Tobacco per Poll by a former Act directed; notwithſtanding any Thing in the ſaid former Act contained: And that the Clergy ſhall be paid by Inſpector or Inſpectors Notes in their reſpective Pariſhes, by the ſeveral and reſpective Sheriffs if an Inſpecting Warehouſe be in the Pariſh, otherwiſe at the next adjacent Inſpecting Warehouſe or Warehouſes to the ſaid Pariſh, where ſuch his Pariſhioners have their Tobacco inſpected; for which Payment the Sheriff ſhall retain in his own Hands Five *per Centum,* and no more.

Sheriff's Commiſſion 5 per Cent.

Officers, *&c.* to deduct 10 per Cent, at the Foot of their Liſts of Fees;

or the Debt forfeited.

XXIV. **And be it further Enacted,** That the ſeveral Officers and Attorneys of this Province, at the Time of ſending their ſeveral Liſts and Accounts to the Sheriffs of the ſeveral Counties for Collection, ſhall and are hereby obliged to make, at the Foot of each Account they ſhall ſo ſend for Collection, in Caſe the ſame be paid in Tobacco, a Deduction of Ten *per Centum* for Conveniency; and that any Officer and Attorney who ſhall neglect or omit to make ſuch Deduction as aforeſaid, he or they ſhall forfeit every ſuch Debt, to the Party or Parties from whom the ſame ſhall be due and owing; any Thing herein contained to the contrary notwithſtanding.

Ten per Cent to be allowed out of Fees and Levies, if paid in Tobacco.

XXV. **And be it further Enacted,** That out of every Hundred Pounds of Tobacco paid in Diſcharge of all Officers and Attorneys Fees, and the Public and County Levies, when paid in Tobacco, and ſo proportionably for a greater or leſſer Quantity, there ſhall be made an Allowance or Abatement to the Payer of Ten Pounds of Tobacco *per Centum,* during the Continuance of this Act.

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XXVI. **And be it further Enacted**, That during the Continuance of this Act, the Clerk or Regiſter of every Court within this Province, in Taxing the Coſts of any Judgment or Decree, obtained or to be obtained, ſhall deduct out of the ſaid Coſts the ſame Allowance for Convenience, as ſhall or ought to be made and allowed to the Party firſt charged with the Fees ſo taxed in the Bill of Coſts by the reſpective Officers; and Execution ſhall iſſue for no more than the ſaid Coſts amount to after the ſaid Deduction.

Clerks of Courts to make the ſame Allowance in taxing Coſts.

XXVII. **And** for the Eaſe of the Inhabitants of this Province, in the Payment of the Public and County Levies, **Be it further Enacted**, *by the Authority aforeſaid*, That at the laying of every ſuch Levy, during the Continuance of this Act, there ſhall be made a Deduction of one Fifth Part out of all Tobacco now due, and hereafter to become due (ſave Officers Fees, as regulated by this Act) with which the Public and ſeveral Counties are chargeable, by virtue of any Acts of Aſſembly of this Province: And that it ſhall and may be lawful for all Perſons charged with the remaining Four Fifths, and the Officers Fees regulated as aforeſaid, and all other Public and County Dues, and Allowances, and Parochial Charges, in ſuch Levies, to pay the ſame in Gold or Silver, as regulated by this Act, during the Continuance thereof, ſo as ſuch Payments ſhall be made on or before the Tenth Day of *April*, yearly, and every Year.

One Fifth, to be deducted out of Public, *&c.* Dues under former Acts:

And all Fees, Levies, *&c.* may be paid, (by the 10th *April*) in Gold or Silver.

XXVIII. **And be it Enacted**, That all Sheriffs, ſhall, during the Continuance of this Act, be obliged to do and perform every Thing required of them to be done, by an Act of Aſſembly of this Province, entitled, *An Act to prevent the ill Practices of Sheriffs, in the Collection and Paying the Public and County Levies*, ſo far as relates to Diſcounting with the Inhabitants, making out and delivering Liſts, of all Tobacco with which the People are charged for Public and County Levies, and of the Money by them paid, or Certificates returned (by thoſe who make no Tobacco) on or before the Tenth Day of *April*, in Diſcharge thereof, Attendance to receive the Dues, and the Payment thereof, in Money and Tobacco, in Proportion to thoſe who have Public Allowances.

Sheriffs to comply with the Act of 1742, *ch.* 7, in diſcounting, *&c.*

XXIX. **And be it further Enacted**, That all Lawyers Fees, which ſhall be paid in Inſpected Tobacco, ſhall be liable to the Abatement and Deduction of One Fifth.

One Fifth Deduction in Lawyers Fees.

XXX. **And be it further Enacted**, That all Public and County Levies, Parochial Charges, and Attorneys Fees, that ſhall be paid in Tobacco, Clergy's Allowances, and all Officers Fees, payable in Tobacco, ſhall be paid and ſatisfied by the Perſons chargeable with, and indebted for the ſame, to the reſpective Sheriffs, by Inſpector or Inſpectors Notes, before the Tenth Day of *June* yearly, during the Continuance of this Act: And if any Perſon chargeable with Levies, Parochial Charges, Clergy's Allowances, and Fees, as aforeſaid, ſhall neglect or refuſe to pay the ſame within the Time aforeſaid, it ſhall and may be lawful for the Sheriffs, immediately after the ſaid Tenth Day of *June*, to diſtrain the Goods and Chattels of the Perſon or Perſons ſo neglecting and refuſing, and to ſell and diſpoſe thereof at the Expiration of Five Days after Diſtreſs made, for Tobacco, or Gold and Silver, as the Caſe may be, at public Auction; all which ſhall be done by the ſaid Sheriff without Fee or Reward, and the Overplus, if any be, beyond what will ſatisfy the Demands aforeſaid, ſhall be returned to the Debtor.

Public and County Levies, Parochial Charges, Attorneys and Officers Fees, *&c.* payable in Tobacco, to be paid before the 10th of *June* yearly, or may be diſtrained for.

XXXI. **Provided always**, That when any Perſon who ſhall be indebted for Public or County Levies, Clergy's Dues, Parochial Charges, Officers and Attorneys Fees, ſhall refuſe to ſhew Tobacco to the Sheriff, or any other Goods or Chattels, to be Diſtrained, that then and in ſuch Caſe it ſhall and may be lawful for the Sheriff to take ſuch Perſon in Execution for ſuch Le-

Such Debtors refuſing to ſhew Diſtreſs, *&c.* may be taken in Execution.

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vies, Dues, Charges, and Fees. And the Sheriffs ſhall, before the laſt Day of *June* yearly, pay and deliver to each Creditor, according to their reſpective Debts or Claims, all the Inſpector or Inſpectors Notes, or Money, he hath received in Satisfaction thereof: And if any Sheriff ſhall refuſe or delay to make Payment accordingly, if required, he or they ſo refuſing or delaying ſhall forfeit and pay to the Party grieved double the Value of the Tobacco, or Money, ſo refuſed or delayed to be paid, to be recovered with Coſts, if the Party Creditor only inclines to ſue the Sheriff; or otherwiſe, if he ſues his Bond in this Caſe, the Creditor ſhall only take his Debt, Intereſt, and Coſts, out of the Sheriffs Bond that ſhall be ſued.

Sheriffs to pay before the laſt of *June*.

Penalty for delaying Payment.

Tobacco refuſed by the Inſpectors, to be burnt; unleſs the Owner deſires to ſort or pick it, at the Warehouſe, within One Month, &c.

XXXII. **And be it further Enacted**, That when any Tobacco ſhall be brought to any of the public Warehouſes, and refuſed by the Inſpector or Inſpectors there officiating, the ſame ſhall be immediately burnt by them, unleſs the Owner, or Perſon bringing ſuch Tobacco, deſires to ſort and ſeparate the ſame, and to pick out ſuch as is bad; in which Caſe the Inſpector or Inſpectors ſhall permit the ſame to be done, at the Warehouſe to which the ſaid Tobacco ſhall be brought, without Fee or Reward; but ſhall not on any Pretence ſuffer the ſaid Tobacco to be removed, or carried from the ſaid Warehouſe. And the ſaid Inſpector or Inſpectors ſhall allow One Month for ſeparating or picking ſuch Tobacco; after which Time, if the ſame be not done, it ſhall be lawful for him or them to burn the whole; except where the Tobacco is in a Sweat, or where the Circumſtances or Accidents of Weather may have prevented the handling of it, in which Caſe the Inſpector or Inſpectors ſhall allow ſuch further Time as he or they ſhall think reaſonable. And where any Tobacco ſhall be ſeparated and picked as aforeſaid, the traſh and bad Tobacco ſhall be burnt by the Inſpector or Inſpectors the ſame Day it ſhall be picked out, under the Penalty of forfeiting Fifty-ſix Pounds of Tobacco for every Failure, to the Informer. And if any Tobacco packed in Caſk by an Overſeer, or the Hands under his Care, ſhall be burnt by the ſaid Inſpector or Inſpectors by reaſon of it's being bad, unſound, or not in good Condition, the Overſeer who had the Care of making and packing the ſame, ſhall bear the Loſs of the Tobacco ſo burnt, and make Satisfaction for the ſame, out of his ſhare of the Crop, or otherwiſe. And the Inſpector or Inſpectors ſhall be obliged to keep an Account of all Tobacco ſo burnt.

Bad Tobacco to be burnt the Day it is picked out.

Penalty.

Overſeers to bear the Loſs of burnt Tobacco.

Account to be kept of Tobacco burnt.

Inſpectors to enter the Marks, Numbers, &c. of Tobacco by them viewed, and Ships on which laden.

To ſend diſtinct Liſts of Tobacco laden in Craft, to the ſeveral Ships,

XXXIII. **And** to the Intent that the juſt Quantity of Tobacco Exported, may be more exactly known, and all evil Practices to defraud his Majeſty of his Cuſtoms prevented, **Be it Enacted**, *by the Authority aforeſaid*, That all and every Inſpector or Inſpectors ſhall carefully enter in a Book, to be provided and kept for that Purpoſe, the Marks, Numbers, Groſs, Nett Weight, and Tare, of all Tobacco viewed and ſtamped by him or them as aforeſaid, and in what Ships or Veſſels the ſame ſhall be laden or put on board: And ſhall alſo, with every Sloop-load, or Boat-load of Tobacco, ſend a Liſt of the Marks, Numbers, Groſs, Nett Weight, and Tare, of every Hogſhead of Tobacco then delivered, to be given to the Maſter of the Ship or Veſſel in which the ſame ſhall be put on board. And if the Tobacco delivered to the ſame Sloop or Boat, is intended to be put on board ſeveral Ships or Veſſels, then he or they ſhall deliver ſo many diſtinct and ſeveral Liſts as aforeſaid, of the Hogſheads to be put on board ſuch Ship or Veſſel reſpectively; which Liſts every Maſter of a Ship or Veſſel is required to produce to, and lodge with, the Naval Officer of the Diſtrict where the Ship or Veſſel whereof he is Maſter ſhall ride, or by whom he ſhall be Cleared, ſome time before her Clearance. But whereas it may happen, that the Ship in which ſuch Tobacco was intended to be put, may be ſo full as not to be capable of Stowing all the Tobacco contained in ſuch Liſt; in ſuch Caſe it ſhall and may be lawful to ſhip the ſaid Tobacco, or any Part thereof, on board any other Ship or Ships, where the Owner thereof ſhall think fit, the Maſters of ſuch Ships indorſing on the ſaid Liſts, the Marks and Numbers of the reſpective Hogſheads by them

to be lodged by the Maſters with the Naval Officer.

What ſhall be done with ſuch Tobacco, when it cannot be taken on board the intended Ships.

them taken on board, and giving Notice to the Inſpector or Inſpectors of the Warehouſe from whence the ſame was brought: Or if there be no Ship to receive the ſaid Tobacco, then it ſhall and may be lawful for the Maſter of the firſt mentioned Ship or Veſſel, to put the ſaid Tobacco in the neareſt Warehouſe to the Place where ſuch Ship ſhall ride, giving immediate Notice thereof to the Inſpector or Inſpectors who ſtamped the ſame. And the Inſpector or Inſpectors of that Warehouſe where ſuch Tobacco ſhall be delivered, ſhall give a Receipt for the ſame, and ſhall cauſe the ſaid Tobacco to be ſafely lodged, and delivered to the Order of the Owner thereof, whenever he or ſhe ſhall think fit to ſhip it off; and that without Fee or Reward.

Skippers of Flats, &c. carrying Tobacco, to be ſworn, before taking the ſame from the Warehouſe.

XXXIV. **And be it likewiſe Enacted**, That it ſhall not be lawful for any Skipper of any Flat, Sloop, or other Veſſel, after the laſt Day of *November*, One Thouſand Seven Hundred and Sixty-three, to take any Tobacco from any Warehouſe within this Province, in order to carry the ſame on board any Ship, or other Veſſel, for Exportation, before ſuch Skipper ſhall make Oath, or Affirmation if a Quaker, before the Inſpector or Inſpectors of ſuch Houſe or Houſes, (who are hereby authorized and required to adminiſter the ſame), under the Penalty of Eight Hundred Pounds of Tobacco for every Neglect,

The Oath.

" *That all ſuch Tobacco which he ſhall, from Time to Time, take on board ſuch Flat,*
" *Sloop, or other Veſſel, he the ſaid Skipper will, with all Opportunity of Wind and*
" *Weather, convey or cauſe to be conveyed on board ſuch Ship, or Veſſel, to which it*
" *ſhall be directed by the Owner or Owners thereof, to be loaded for Exportation;*
" *and that he the ſaid Skipper will not take, nor ſuffer to be taken by any Perſon*
" *whatever, any Tobacco out of ſuch Hogshead or Hogsheads, and that he will not*
" *wilfully Damage, or ſuffer to be Damaged, ſuch Tobacco, whilſt the ſame ſhall*
" *remain under his Care and Management.*" And if any Skipper as aforeſaid, ſhall refuſe or delay taking the Oath, or Affirmation if a Quaker, aforeſaid, in Manner and Form aforeſaid, ſuch Skipper, for every Hogſhead of Tobacco taken on board contrary to the Intention of this Act, ſhall forfeit and pay the Sum of Three Thouſand Two Hundred Pounds of Tobacco, One Half thereof to the Informer, or him, her, or them, that ſhall ſue for the ſame; and the other Half to be applied to the Uſe of the ſeveral and reſpective Counties, to defray the Expences that may accrue in the due Execution of this Act: To be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Penalty of 3200 lb of Tobacco, for every Hogſhead taken on board before Swearing.

Maſters of Ships to lodge 3 fair Manifeſts, ſworn to, with the Naval Officers, before Clearance.

XXXV. **And be it further Enacted**, That every Maſter of a Ship, or Veſſel, wherein Tobacco ſhall be laden, ſhall, at the Time of Clearing, deliver to the Naval Officer, Three fair Manifeſts of all the Tobacco on board his Ship, or Veſſel, expreſſing the Marks and Numbers of every Hogſhead, and the Tare and Nett Weight ſtamped thereon, the Perſon by whom Shipped, and from what Warehouſe, and ſhall make Oath, or Affirmation if a Quaker, thereto, and " That the ſame is a juſt and true Account of the Marks, Numbers, " Tare, and Nett Weight of each reſpective Hogſhead, as the ſame was taken " down by the Perſon or Perſons appointed by him to take the ſame, before the " ſaid Tobacco was ſtowed away." And no Ship or Veſſel ſhall be Cleared by the Naval Officer before he ſhall have received ſuch Liſts and Manifeſts; one of which ſaid Manifeſts ſhall, by the ſaid Naval Officer, be annexed to ſuch Maſter's Certificate or Clearance, to the End the ſame may be delivered to the Chief Officer of the Cuſtoms in ſuch Port or Place where the ſaid Ship ſhall unlade; and One of the other Two of the ſaid Manifeſts ſhall, by the ſaid Naval Officer, be tranſmitted to the ſaid Chief Officer of the Cuſtoms by the next convenient Opportunity, and the Third kept in his Office.

How ſuch Manifeſts ſhall be diſpoſed of.

Public Warehouſes eſtabliſhed,

XXXVI. **And be it Enacted**, *by the Authority aforeſaid*, That Public Warehouſes for the Inſpection of Tobacco, purſuant to this Act, ſhall be kept at the ſeveral Places herein after mentioned: *That is to ſay*;

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In the County of *St. Mary's*, At *Chaptico*, on the Land of *Philip Key*, under one Inſpection: On a Plantation where a certain *Gilbert Mackey* lives, under one Inſpection: At *St. Innegoe's*, on the Land of *Stephen Milburn*, under one Inſpection: At *Wiccocomico*, on the Land of *John Llewellin*, under one Inſpection: At the Court-Houſe, on the Land of *Abraham Barnes*, under one Inſpection: At Mr. *Cole's*, on *Cole's* Creek, under one Inſpection: At *Town-Creek*, on the Land of *Hugh Hopewell*, under one Inſpection.

In *St. Mary's*.

Kent. In *Kent* County, At *Cheſter-Town*, under one Inſpection: At *George-Town*, and *Frederick-Town* in *Cæcil* County, on *Saſſafras* River, under one Inſpection: At *Worton* Creek, on the Land of *Sarah Graves*, called *Buck-Neck*, under one Inſpection: At *Langford's* Bay, on the Land of *Richard Greſham*, under one Inſpection: At the late *Samuel Tovey's*, on *Gray's-Inn-Creek*, under one Inſpection.

Anne-Arundel. In *Anne-Arundel* County, At *Elk-Ridge* Landing, on *Patapſco* River, on the Land of the late *Philip Hammond*, under one Inſpection: At *Indian* Landing, on *Severn* River, under one Inſpection: At the *Land of Eaſe*, on the Land of *Nicholas Maccubbin*, on *South* River, and at the Landing commonly called *Taylor's*, near *Kilkenny*, on *Patuxent* River, under one Inſpection: At *Pig-Point*, on *Patuxent* River, and at *Thomas Sprigg's* Point, on *Weſt-River*, under one Inſpection: At *Annapolis*, at the Warehouſe of the late *Patrick Creagh*, under one Inſpection.

Calvert. In *Calvert* County, At the Head of *St. Leonard's* Creek, on the Land of the late *John Somervill*, under one Inſpection: On *Hunting* Creek, on the Land of the late *Robert Freeland*, under one Inſpection: At *Lower Marlborough*, on the Land of the late *John Smith*, under one Inſpection.

Charles. In *Charles* County, At *Benedict-Town*, on *Patuxent* River, on the Land of *George Maxwell*, under one Inſpection: At *Piles's-Freſh*, on the late Mrs. *Jane Parnham's* Land, at the Head of *Wiccocomico* River, under one Inſpection: At *Lower-Cedar* Point, on *Charles Jones's* Land, under one Inſpection: At *Chandler's* Point, on the Land of the late *William Neale*, Deceaſed, on *Port-Tobacco* Creek, under one Inſpection: At *Nanjemoy*, on *Patowmack* River, on the Land of *Richard Harriſon*, under one Inſpection: At *Chickamuxon* Creek, on the Land of *Bayne Smallwood*, under one Inſpection: At *Pamunkey* Creek, on the Land of *John Trueman Stoddert*, under one Inſpection.

Somerſet. In *Somerſet* County, At *Princeſs-Anne* Town, near *Monokin* Bridge, and on the Land late of *Thomas Maddox*, below the Mouth of *Back* Creek, under one Inſpection: On *Great-Annimeſſex*, the Land of *Outerbridge Horſey*, on *Colebourne's* Creek, at a Place called the *Old-Town*, and on *Pocomoke*, *Reboboth-Town*, under one Inſpection: On *Wiccomico* River, at the Warehouſe near *Greenhill-Town*, and at the Head of *Barren* Creek, on *Nanticoke* River, on the Land of *William Brown*, under one Inſpection.

Talbot. In *Talbot* County, At *Kingston*, on the Lots of *William Gale* and *William Wilſon*, under one Inſpection: At *Parſon's* Landing, on the Land of *James Lloyd*, under one Inſpection: At the late *Philip Emerſon's* Landing, under one Inſpection: At *Thomas Bruff's* Landing, on *Miles* River, under one Inſpection: At *Daniel Sherwood's* Landing, on *Broad* Creek, under one Inſpection: At *Oxford*, on the Lots lately *Richard Gildart's*, under one Inſpection.

Dorcheſter. In *Dorcheſter* County, At the late *David Melvill's* Warehouſe, under one Inſpection: At *Hunting* Creek Warehouſe, under one Inſpection: On the Eaſt Side of the North-Weſt Fork of *Nanticoke*, above *Cratcher's* Ferry, under one Inſpection: At the late *Henry Ennalls*, junior, his Warehouſe at *Choptank* Ferry, under one Inſpection: At *Edward White's* Warehouſe, on *Little Choptank*, under one Inſpection: At *Plymouth* Warehouſe, on *Fiſhing* Creek, under one Inſpection: At *Vienna-Town*, on the Land of *Joſhua Edmondſon*, under one Inſpection.

Cæcil. In *Cæcil* County, At *Frederick-Town*, with *George-Town*, in *Kent* County, on *Saſſafras* River, under one and the ſame Inſpection: At *John Holland's*, at *Bohemia* Ferry, under one Inſpection.

In

In *Baltimore* County, At *Baltimore-Town*, on the West Side of the Falls, on the Land of *Thomas Harrison*, under one Inspection: At *Joppa*, at the Ferry Landing near the Point House, on *Gunpowder* River, and at the Fork of *Gunpowder*, at the old Landing, under one Inspection: At *Otter-Point* Landing, near the *Red-Clift*, on *Bush* River, under one Inspection: At *John Loney*'s, on *Swan* Creek, and at the *Rock-Run*, on *Susquehanna* River, under one Inspection. *Baltimore.*

In *Prince-George*'s County, At *Queen-Anne* Town, on *Patuxent* River, under one Inspection: At *Upper-Marlborough*, on the Land of *Joseph Sim*, under one Inspection: At *Nottingham*, on the Land of *James Russell*, under one Inspection: On the Land of *Alexander Magruder*, under one Inspection: At *Bladensburg*, on the Land of Dr. *David Ross*, under one Inspection: At *Broad-Creek*, on the Land of the late *Humphrey Batts*, under one Inspection: At *Piscataway*, on the Land of the late *John Hawkins*, junior, deceased, under one Inspection. *Pr. George's.*

In *Queen-Anne*'s County, On *Samuel Blunt*'s Dwelling Plantation, under one Inspection: At *Charles Brown*'s Landing, under one Inspection: At the Head of *Corsica* Creek, on the Land of *William Hopper*, under one Inspection: At the House commonly called *Porter*'s Warehouse, on the Land late of *William Campbell*, under one Inspection: At the House commonly called *Wells*'s Warehouse, on *Chester* River, under one Inspection: At *Pemberton*'s Warehouse, under one Inspection: At *Choptank* Bridge, under one Inspection. *Queen-Anne's.*

In *Worcester* County, At Col. *Scarborough*'s Warehouse, in *Snow-Hill* Town, under one Inspection: At the Warehouse in *New-Port* Town, under one Inspection: At *Broad* Creek, on the North Side, at the Wading Place, under one Inspection. *Worcester.*

In *Frederick* County, Near the Mouth of *Rock* Creek, the Rolling-House which *George Gordon* built, under one Inspection. *Frederick.*

XXXVII. And there shall be Paid to the several Inspectors, to be appointed to attend in virtue of this Act at the said several Warehouses, the Salaries herein after mentioned: Inspectors Salaries:

To each Inspector, in *St. Mary*'s County, At *Chaptico*, on the Land of *Philip Key*, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: On a Plantation where a certain *Gilbert Mackey* lives, to the Inspector Five Thousand Six Hundred Pounds of Tobacco: At *St. Innegoe*'s, on the Land of *Stephen Milburn*, Five Thousand Six Hundred Pounds of Tobacco to the Inspector: At *Wiccocomico*, on the Land of *John Llewellin*, Six Thousand Four Hundred Pounds of Tobacco to the Inspector: At the Court-House, on the Land of *Abraham Barnes*, Seven Thousand Two Hundred Pounds of Tobacco to the Inspector: At Mr. *Cole*'s, on *Cole*'s Creek, Seven Thousand Two Hundred Pounds of Tobacco to the Inspector: At *Town-Creek*, on the Land belonging to *Hugh Hopewell*, Four Thousand Eight Hundred Pounds of Tobacco to the Inspector. *St. Mary's* County.

In *Kent* County, At *Chester-Town*, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At *George-Town*, with *Frederick-Town*, on *Sassafras* River, Seven Thousand Two Hundred Pounds of Tobacco to the Inspector: At *Worton* Creek, on the Land of *Sarah Graves*, called *Buck-Neck*, Two Thousand Four Hundred Pounds of Tobacco to each Inspector: At *Langford*'s Bay, on the Land of *Richard Gresham*, Four Thousand Pounds of Tobacco to each Inspector: At the late *Samuel Tovey*'s, on *Gray's-Inn-Creek*, Four Thousand Pounds of Tobacco to each Inspector. *Kent.*

In *Anne-Arundel* County, At *Elk-Ridge* Landing, on *Patapsco* River, Eight Thousand Pounds of Tobacco to each Inspector: At *Indian* Landing, on *Severn* River, Four Thousand Eight Hundred Pounds of Tobacco to each Inspector: At the *Land of Ease*, belonging to *Nicholas Maccubbin*, on *South* River, and at the Landing commonly called *Taylor*'s, near *Kilkenny*, on *Patuxent* River, Six Thousand Pounds of Tobacco to each Inspector: At *Pig-Point*, on *Patuxent* River, and at *Thomas Sprigg*'s Point, on *West-River*, Seven Thousand *Anne-Arundel.*

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Thouſand Two Hundred Pounds of Tobacco to each Inſpector: At *Annapolis*, at the Warehouſe late *Patrick Creagh*'s, Four Thouſand Eight Hundred Pounds of Tobacco to the Inſpector.

Calvert. In *Calvert* County, At the Head of *St. Leonard*'s Creek, on the Land late of *John Somervill*, Six Thouſand Four Hundred Pounds of Tobacco to the Inſpector: At *Hunting* Creek, on the Land late of *Robert Freeland*, Seven Thouſand Two Hundred Pounds of Tobacco to the Inſpector: At *Lower-Marlborough*, on the Land of the late *John Smith*, deceaſed, Eight Thouſand Eight Hundred Pounds of Tobacco to the Inſpector.

Charles. In *Charles* County, At *Benedict-Town*, on *Patuxent* River, Six Thouſand Four Hundred Pounds of Tobacco to each Inſpector: At *Piles's-Freſh*, on the late Mrs. *Jane Parnham*'s Land, at the Head of *Wiccocomico* River, Six Thouſand Four Hundred Pounds of Tobacco to each Inſpector: At *Lower-Cedar* Point, on *Charles Jones*'s Land, Five Thouſand Six Hundred Pounds of Tobacco to each Inſpector: At *Chandler*'s Point, on the Land of the late *William Neale*, on *Port-Tobacco* Creek, Eight Thouſand Pounds of Tobacco to each Inſpector: At *Nanjemoy*, on *Patowmack* River, on the Land of *Richard Harriſon*, Four Thouſand Eight Hundred Pounds of Tobacco to each Inſpector: At *Chickamuxon* Creek, on the Land of *Bayne Smallwood*, Four Thouſand Eight Hundred Pounds of Tobacco to each Inſpector: At *Pamunkey* Creek, on the Land of *John Trueman Stoddert*, Four Thouſand Eight Hundred Pounds of Tobacco to each Inſpector.

Somerſet. In *Somerſet* County, At *Princeſs-Anne* Town, near *Monokin* Bridge, and on the Land late of *Thomas Maddox*, below the Mouth of *Back* Creek, Five Thouſand Six Hundred Pounds of Tobacco to each Inſpector: On *Great-Annimeſſex*, on the Land of *Outerbridge Horſey*, on *Colebourne*'s Creek, at a Place called the *Old-Town*, and on *Pocomoke* River, at *Rehoboth-Town*, Five Thouſand Six Hundred Pounds of Tobacco to each Inſpector: On *Wiccomico* River, at the Warehouſe near *Greenhill-Town*, and at the Head of *Barren* Creek, on *Nanticoke* River, on the Land of *William Brown*, Five Thouſand Six Hundred Pounds of Tobacco to each Inſpector.

Talbot. In *Talbot* County, At *Kingston*, on the Lots of *William Gale* and *William Wilſon*, Five Thouſand Six Hundred Pounds of Tobacco to the Inſpector: At *Parſon*'s Landing, on the Land of *James Lloyd*, Five Thouſand Six Hundred Pounds of Tobacco to the Inſpector: At the late *Philip Emerſon*'s Landing, Six Thouſand Four Hundred Pounds of Tobacco to each Inſpector: At *Thomas Bruff*'s Landing, on *Miles* River, Four Thouſand Eight Hundred Pounds of Tobacco to each Inſpector: At *Daniel Sherwood*'s Landing, on *Broad* Creek, Three Thouſand Two Hundred Pounds of Tobacco to each Inſpector: At *Oxford*, on the Lot late of *Richard Gildart*'s, Five Thouſand Four Hundred and Forty Pounds of Tobacco to each Inſpector. *Provided*, That the Inſpectors of the Warehouſe at *Daniel Sherwood*'s Landing, be not obliged to attend at the ſaid Warehouſe, more than Four Days in every Week.

Dorcheſter. In *Dorcheſter* County, At the late *David Melvill*'s Warehouſe, Eight Thouſand Eight Hundred Pounds of Tobacco to the Inſpector: At *Hunting* Creek Warehouſe, Ten Thouſand Four Hundred Pounds of Tobacco to the Inſpector: On the North-Eaſt Side of the North-Weſt Fork of *Nanticoke*, above *Cratcher*'s Ferry, Four Thouſand Pounds of Tobacco to the Inſpector: At the late *Henry Ennalls*, junior, his Warehouſe at *Choptank* Ferry, Nine Thouſand Six Hundred Pounds of Tobacco to the Inſpector: At *Edward White*'s Warehouſe, on *Little Choptank*, Nine Thouſand Six Hundred Pounds of Tobacco to the Inſpector: At *Plymouth* Warehouſe, on *Fiſhing* Creek, Four Thouſand Eight Hundred Pounds of Tobacco to the Inſpector: At *Vienna* Town, on the Land of *Joſhua Edmondſon*, Four Thouſand Eight Hundred Pounds of Tobacco to the Inſpector.

Baltimore. In *Baltimore* County, At *Baltimore-Town*, on the Weſt Side of the Falls, Nine Thouſand Six Hundred Pounds of Tobacco to each Inſpector: At *Joppa*, at the Ferry Landing near the Point Houſe, on *Gunpowder* River, and at the Fork of *Gunpowder*, at the old Landing, under one and the ſame Inſpection,

tion, and to attend each Warehouse Three Days in every Week, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At *Otter-Point* Landing near the *Red-Clift*, on *Bush* River, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At *John Loney*'s, at *Swan* Creek, and at *Rock-Run*, on *Susquehanna* River, Six Thousand Four Hundred Pounds of Tobacco to each Inspector.

Cæcil. In *Cæcil* County, At *Frederick-Town*, with *George-Town*, on *Sassafras* River, Seven Thousand Two Hundred Pounds of Tobacco to the Inspector: At *John Holland*'s at *Bohemia* Ferry, Three Thousand Two Hundred Pounds of Tobacco to the Inspector.

Pr. George's. In *Prince-George*'s County, At *Queen-Anne* Town, on *Patuxent* River, Seven Thousand Two Hundred Pounds of Tobacco to each Inspector: At *Upper-Marlborough*, on the Land of *Joseph Sim*, Seven Thousand Two Hundred Pounds of Tobacco to each Inspector: At *Nottingham*, on the Land of *James Russell*, Six Thousand and Eighty Pounds of Tobacco to each Inspector: At *Magruder*'s, on the Land of *Alexander Magruder*, Four Thousand Eight Hundred Pounds of Tobacco to each Inspector: At *Bladensburg*, on the Land of *David Ross*, Eight Thousand Pounds of Tobacco to each Inspector: At *Broad* Creek, on the Land late of *Humphrey Batts*, Four Thousand Eight Hundred Pounds of Tobacco to each Inspector: At *Piscataway*, on the Land of the late *John Hawkins*, junior, deceased, Six Thousand Four Hundred Pounds of Tobacco to each Inspector.

Queen-Anne's. In *Queen-Anne*'s County, On *Samuel Blunt*'s Dwelling Plantation, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At *Charles Brown*'s Landing, Four Thousand Eight Hundred Pounds of Tobacco to each Inspector: At the Head of *Corsica* Creek, on the Land of *William Hopper*, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At the House commonly called *Porter*'s House, on the Land of the late *William Campbell*, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At the House commonly called *Wells*'s Warehouse, on *Chester* River, Four Thousand Eight Hundred Pounds of Tobacco to each Inspector: At *Pemberton*'s Warehouse, Six Thousand Four Hundred Pounds of Tobacco to each Inspector: At *Choptank* Bridge, Four Thousand Pounds of Tobacco to each Inspector.

Worcester. In *Worcester* County, At Col. *Scarborough*'s Warehouse, in *Snow-Hill* Town, Eight Thousand Pounds of Tobacco to the Inspector: At the Warehouse in *New-Port* Town, Four Thousand Eight Hundred Pounds of Tobacco to the Inspector: At *Broad* Creek, on the North Side, at the Wading Place, Two Thousand Pounds of Tobacco to the Inspector.

Frederick. In *Frederick* County, Near the Mouth of *Rock* Creek, the Rolling-House which *George Gordon* built, Nine Thousand Six Hundred Pounds of Tobacco to each Inspector.

The Vestry of *Q. Caroline* Parish to chuse Inspectors for the Warehouse at *Elk-Ridge* Landing.

XXXVIII. **And be it further Enacted,** That the Vestry-men and Church-wardens of *Queen-Caroline* Parish in *Anne-Arundel* County, have full Power and Authority to elect and recommend Four Inspectors for a Warehouse appointed to be at *Elk-Ridge* Landing, situate and being in *St. Margaret's Westminster* Parish, and to proceed as if the said Warehouse had by this Act been appointed to be in *Queen-Caroline* Parish; and that the Vestry-men and Church-wardens of *St. Margaret's Westminster* Parish, no way intermeddle with the Election or Recommendation of Inspectors for the said Warehouse to be at *Elk-Ridge* Landing: And that the said Inspectors and Inspection be under the same Regulation as if nominated and recommended by the Vestry-men and Church-wardens of *St. Margaret's Westminster* Parish; any thing in this Act contained to the contrary notwithstanding.

XXXIX. **And be it further Enacted,** *by the Authority aforesaid,* That all Tobacco that shall be brought to any of the public Warehouses herein before mentioned, shall be viewed, examined, and inspected, by such Person or

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Inſpectors to be nominated by Veſtries, between the 1st and 10th of *September* yearly.

Perſons as ſhall be thereunto appointed, who ſhall be called *Inſpectors*, and nominated and appointed in Manner and Form following; *That is to ſay*, The ſeveral and reſpective Veſtrymen and Church-wardens of every Pariſh within this Province, wherein any Warehouſe ſhall be erected or eſtabliſhed in virtue of this Act, or the major Part of them, ſhall and may, and they are hereby authorized and required, to meet together at their ſeveral and reſpective Pariſh Churches, between the Firſt and the Tenth Days of *September*, yearly and every Year, during the Continuance of this Act, and to nominate and recommend to the Governor or Commander in Chief of this Province, for the Time being, Four or Two able and ſufficient Planters well ſkilled in Tobacco, for each and every Inſpection within their different Pariſhes, as the Caſe may require, for the Execution of the Office of Inſpector or Inſpectors, without having regard to the Reſidence of ſuch Perſons for Inſpectors, as aforeſaid: And where it ſhall happen that Two Warehouſes under one and the ſame Inſpection, ſhall be in different Pariſhes, the Veſtry-men and Church-wardens of each Pariſh, or the major Part of them, ſhall nominate and recommend Two, or One, able and ſufficient Planter or Planters, well ſkilled in Tobacco, as the Caſe may require, for ſuch Inſpection.

If two Warehouſes, under one Inſpection, be in ſeveral Pariſhes, each Veſtry to nominate.

Choice of Inſpectors in *September* paſt, to be good and valid;

XL. **And be it further Enacted**, That the ſeveral Inſpectors already choſen on the Tenth Day of *September* laſt, ſhall, and are hereby fully impowered to ſerve as Inſpectors for the enſuing Year, at all the ſeveral Warehouſes mentioned in this Act, (except ſuch as are herein directed to be re-choſen.) And whereas *George-Town* and *Frederick-Town* Warehouſes, are now put under one Inſpection by an Inſpector from each County; and that *Kingston* and *Parſon's* Landing Warehouſes in *Talbot* County, are put under ſeparate Inſpections, by one Inſpector at each Houſe; and that *John Holland's* Warehouſe at *Bohemia*, is put under an Inſpection by one Inſpector: It therefore becomes neceſſary that the Inſpectors for thoſe Warehouſes for the enſuing Year, ſhall be re-choſen: **Be it further Enacted**, That the Veſtry-men and Church-wardens of *Shrewſbury* Pariſh, in *Kent* County, and of *St. Stephen's* Pariſh, and *St. Auguſtine* Pariſh, in *Cæcil* County, and of *St. Peter's* Pariſh, in *Talbot* County, ſhall, and may, and are hereby required to meet at their ſeveral Pariſh Churches, between the Firſt and Tenth Days of *December* next, and there to nominate and recommend to the Governor or Commander in Chief of this Province, for the Time being, Two good and able Planters well ſkilled in Tobacco, for each of the ſaid Inſpections, for the Execution of the Office of Inſpectors, at the Houſes aforeſaid.

Excepting ſome Pariſhes where they are to be renominated.

Certificates of ſuch Nomination to be tranſmitted to the Governor, who is to appoint Two out of Four, or One out of Two.

XLI. **And be it Enacted**, That the ſeveral and reſpective Veſtry-men and Church-wardens, in all Caſes, ſhall forthwith tranſmit Certificates of ſuch Nomination and Recommendation, to the Sheriff of the ſaid County, who ſhall forthwith tranſmit the ſame to the Clerk of the Council for the Time being, to be by him immediately laid before the Governor or Commander in Chief for the Time being; out of which ſaid Four, or Two, Perſons, to be nominated and recommended for Inſpector or Inſpectors, the Governor or Commander in Chief ſhall and may appoint, by Warrant under his Hand, Two Perſons out of the Four, or One Perſon out of the Two, recommended to him from any One Veſtry and Church-wardens, to be Inſpector or Inſpectors, as the Caſe may require; and where it ſhall happen that Two Warehouſes under One and the ſame Inſpection ſhall be in different Pariſhes, there the Governor or Commander in Chief, for the Time being, ſhall and may chooſe and appoint Two Perſons to be Inſpectors in Manner aforeſaid, *to wit*, One out of the Nomination and Recommendation of each Pariſh, to execute the Office of Inſpectors, at ſuch Inſpection.

Inſpectors refuſing to ſerve,

XLII. **And be it further Enacted**, That if any Perſon who is or ſhall be appointed by his Excellency the Governor, or Commander in Chief for the Time being, to be an Inſpector, ſhall refuſe to take upon himſelf the Execution

cution of the ſaid Office or Duty, ſuch Perſon, ſo refuſing, ſhall be, and is hereby obliged and directed to ſignify ſuch his Refuſal in Writing, under his Hand, directed to the Clerk of the Council, for the Time being, and ſhall within Ten Days from the Receipt of his Warrant, deliver ſuch Writing to the Sheriff of the County, or his Deputy, where ſuch Perſon ſhall reſide, under the Penalty of Four Hundred Pounds of Tobacco; to be recovered before One Magiſtrate as in Caſe of ſmall Debts, and the ſaid Sheriff ſhall and is hereby obliged to forward the ſame, in the like Manner that public Letters by the Laws of this Province are to be forwarded, which are directed, *For his Lordſhip's Service*; and every Inſpector or Inſpectors to be choſen, and accepting the Office, ſhall not reſign his ſaid Office, or refuſe to act therein, until the Firſt Day of *November*, yearly.

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ſhall ſignify the ſame in 10 Days, &c.

Penalty in Default.

Inſpectors accepting ſhall not reſign, &c.

XLIII. **And be it further Enacted**, That where the ſame Perſons are, by any of the Veſtries, again re-choſe to ſerve as Inſpectors for the Year next following, they, and every of the ſaid Inſpectors, ſhall, if they incline to ſerve, ſignify their Acceptance thereof, within Ten Days next after ſuch Time of their being ſo re-choſen, which Signification ſhall be made in the ſame Manner, as Perſons appointed by his Excellency the Governor to be Inſpectors, are by this Act before directed, to ſignify their Refuſal to accept of ſuch Office.

Inſpectors re-choſen, ſhall ſignify their Acceptance in 10 Days.

XLIV. **And** to prevent the Inconvenience that may ariſe from the Sale of the Office of Inſpector, **Be it further Enacted**, That if any Perſon or Perſons nominated and appointed by the Veſtry, or Commiſſioned by the Governor or Commander in Chief for the Time being, to be an Inſpector or Inſpectors, within this Province, ſhall take or receive any Sums of Money, or Tobacco, or any other Thing, or any Reward or Gratuity, to the Intent that he or they ſhall refuſe to act under ſuch Nomination, Appointment, or Commiſſion, ſuch Perſon, ſo taking and receiving any Thing to the Intent aforeſaid, ſhall forfeit and pay double the Value of the Sum of Money, or Tobacco, or other Thing, ſo taken and received; to be recovered by Indictment, or Information, in the County Court of the County where the Offence ſhall happen, and be applied towards defraying the Expence of the Execution of this Act in ſuch County. And the Perſon or Perſons paying, giving, or delivering, or offering to pay, give, or deliver, any Sum or Sums of Money, or Tobacco, or other Thing, to the Intent aforeſaid, ſhall forfeit and pay double the Value of the Sum of Money, or Tobacco, or other Thing, ſo given, or delivered, or offered to be given, or delivered; to be recovered and applied in Manner aforeſaid, and ſhall for ever be diſabled to be an Inſpector within this Province.

Inſpectors ſhall not take any Reward for refuſing to ſerve.

Penalty.

And on the Perſons paying or offering ſuch Gratuity.

XLV. **And be it further Enacted**, That in caſe of the Death, Refuſal, or Removal of any Inſpector or Inſpectors, the Governor, or Commander in Chief, for the Time being, ſhall and may nominate and appoint, any other Perſon or Perſons mentioned in the laſt Recommendation, to be ſent him from ſuch Veſtry-men and Church-wardens for any Inſpection, where a Vacancy ſhall or may happen, as aforeſaid, to ſucceed any Inſpector or Inſpectors, as aforeſaid refuſing, removed, or dead: But ſhould it ſo happen, that by Deaths, Refuſals, or Removals, there ſhould not be Perſons enough left in the Nominations of the reſpective Veſtry-men and Church-wardens, ſo as aforeſaid to be tranſmitted, for the Appointment of the Governor, or Commander in Chief, then and in ſuch Caſe, the Veſtry-men and Church-wardens of any Pariſh or Pariſhes, where this ſhall happen to be the Caſe, ſhall immediately meet, as aforeſaid, and elect Four or Two, as the Caſe ſhall require, for Inſpector or Inſpectors, and, as before, tranſmit Certificates of ſuch Nomination and Recommendation to the Sheriff of the ſaid County, who ſhall forthwith tranſmit the ſame to the Clerk of the Council, to be as before laid by him before the Governor, or Commander in Chief, out of which the ſaid Governor, or Commander in Chief, ſhall appoint a ſufficient Number according

On Death, &c. of an Inſpector, the Governor may appoint one from the laſt Nomination, if any be; otherwiſe the Veſtry ſhall make a new Election, &c.

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cording to the true Intent and Meaning of this Act, to ſerve as Inſpector or Inſpectors reſpectively, according and in purſuance of the Recommendation aforeſaid, from the reſpective Veſtry-men and Church-wardens.

Inſpectors rechoſen, need no new Appointment. *See* §. 48.

XLVI. **Provided always**, and it is the true Intent and Meaning of this Act, That though the Veſtry-men and Church-wardens are to elect Inſpectors annually, yet where they elect again a former Inſpector or Inſpectors, they ſhall continue ſuch without any new Appointment by the Governor, or Commander in Chief.

Veſtries neglecting to meet, and nominate Inſpectors:

Penalty.

XLVII. **And be it further Enacted**, That every Veſtry-men or Church-warden, who ſhall neglect or refuſe (not being prevented by Sickneſs, or ſome unavoidable Accident) to meet according to the Directions of this Act to nominate and recommend an Inſpector or Inſpectors, or who being ſo met, ſhall omit, neglect, or refuſe, to nominate and recommend an Inſpector or Inſpectors, whereby Inſpectors ſhall not be nominated and recommended in purſuance of this Act, ſhall forfeit and pay Eight Hundred Pounds of Tobacco, with Coſts of Suit, for every ſuch Offence; One Moiety to the Informer, the other Moiety to the Uſes in this Act mentioned, and to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed.

No Veſtrymen, &c. who is an Inſpector, to have a Vote in nomination. *See* §. 46.

XLVIII. **Provided always**, That no Veſtry-man or Church-warden, who ſhall be an Inſpector, ſhall have, or be allowed, ſo long as he ſhall be an Inſpector, any Vote in the Nomination or Recommendation of any other Inſpector or Inſpectors; and that where any Perſon or Perſons ſhall be appointed in purſuance of ſuch Nomination and Recommendation, as already mentioned, and ſhall afterwards and again be nominated and recommended to be an Inſpector or Inſpectors for the enſuing Year, ſuch Nomination and Recommendation ſhall be a ſufficient Power to ſuch Inſpector or Inſpectors to be and continue in the ſaid Office, without any further Appointment; and ſo from Year to Year, ſo long as he or they ſhall be nominated and recommended as aforeſaid.

Oath to be taken by Veſtry-men and Church-wardens, before they nominate Inſpectors.

XLIX. **And be it further Enacted**, That every Veſtry-man and Church-warden ſhall take the following Oath, before they proceed to the Nomination or Recommendation of any Inſpector or Inſpectors; to wit, "*I* A. B. *do* "*Swear, that I will faithfully, honeſtly, and juſtly, nominate and recommend ſuch* "*Perſon or Perſons, to be an Inſpector or Inſpectors, as I think in my Judgment* "*and Conſcience is or are fit and capable to execute the Office of an Inſpector or In-* "*ſpectors.* So help me GOD."

Scales and Weights to be provided, to weigh 15 C.wt. &c.

and to be kept in Repair.

L. **And be it further Enacted**, That there ſhall be provided by the Juſtices of each County, at the County Charge, and kept at every one of the ſaid Warehouſes, a good and ſufficient Beam, Weights, and Scales, to weigh Fifteen Hundred Groſs Pounds at the leaſt; and a Set of ſmall Weights, the ſame that are or ought to be provided for the Standard Weights of each County; and the ſaid Juſtices are hereby required and obliged to keep the ſame in good Repair, together with the Blocks, Tackles, and other Neceſſaries.

Weights and Scales to be examined every Year, in *March*, and if neceſſary, to be repaired.

LI. **And be it further Enacted**, That the Juſtices are hereby directed and required, ſome Time in the Month of *March*, in every Year, to appoint Two or more of their Number, to view the ſaid Scales, and examine and try the Weights, at the ſeveral Warehouſes, by the Standard Weights of the County; and if the ſame or the other Neceſſaries hereby required, ſhall want repairing, or the Weights be found deficient or differing from the lawful Standard, the ſaid Juſtices ſhall cauſe the ſame to be repaired and amended, and the Weights made conformable to the Standard; and the Charge of repairing and amending as aforeſaid ſhall be paid by the Inſpectors reſpectively, and be again allowed them in their Account with the ſaid Juſtices.

LII. And

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LII. **And be it further Enacted**, That the Warehouse or Warehouses, Wharfs, Prizes, and Cranes, already built, and continued by this Act to be Warehouses for the Inspection of Tobacco, the Owners or Proprietors thereof are hereby obliged to Let the same to the Inspector or Inspectors, as the Case shall be, under the Penalty of Thirty Two Thousand Pounds of Tobacco; and in that Case, the Rent of Six Pounds of Tobacco per Hogshead as aforesaid, shall be paid to such Owners or Proprietors of such Warehouses respectively, by the several Inspectors; and the Residue of the Fifty Six Pounds of Tobacco per Hogshead, and the Twenty Eight Pounds of Tobacco on the Eastern Shore, and the Twenty Four Pounds of Tobacco on the Western Shore, per Hogshead, mentioned in this Act, shall be applied to pay and defray the Charge of the Inspectors Salaries and other Expences, such as, finding Weights and Scales, and other Necessaries, mentioned in this Act, and the keeping them in Repair, according to the true Intent and Meaning of this Act, and that for all Matters relating to the Expence of putting this Act in Execution, and the Profits to be raised thereby, the several Inspectors shall annually lay before the respective Justices, fair and distinct Accounts of the Profits and Loss, relating to their respective Offices, on Oath, or Affirmation if a Quaker; and the Justices aforesaid shall settle and adjust such Accounts, and that if the Profits of said Warehouses, shall over and above bear the Expences of this Act, that then the Overplus shall be applied to defray the Charge of the County.

Owners of Warehouses already built shall let the same to the Inspectors, on Penalty of 32000 ℔ of Tobacco; at the Rent of 6 ℔ Tobacco per Hogshead.

The remaining Allowances for Inspection, how to be applied.

Inspectors to Account annually, on Oath.

LIII. **Provided always**, That nothing herein contained, shall be construed to give Power to the Owner or Proprietor of any Warehouse or Warehouses, on any Pretence whatsoever, to make any private Use thereof whatsoever, whilst the same shall be under Rent to the Public, under the Penalty of One Thousand Pounds of Tobacco; nor to the said Inspectors to keep any Horses, Cattle, or Hogs, at any the Public Warehouses (except in Inclosures) upon the Land appointed for such Warehouses, and if any Swine belonging to the said Inspectors, or any of them, shall be found at large upon the Land appointed for such Warehouses, or the Lands adjoining thereto, it shall and may be lawful for the Proprietor of the Land on which the said Warehouses are placed, to kill, or cause them to be killed or destroyed.

Owners of Warehouses not to make private Use thereof.

Penalty.

Inspectors not to keep Cattle or Hogs at large on Warehouse Lands.

LIV. **And be it Enacted**, That if any of the Warehouses herein before mentioned, shall happen to be Burnt, the Loss of Tobacco sustained thereby, shall be made good and repaired to the several Persons injured, by an Allowance in the public Levy, at the next Sessions after such Loss; and in Case of such Accident, no Inspector or Inspectors shall be sued, or molested, for or by reason of any Promissory Notes, or Receipts, by them given for any Tobacco burnt in the said Warehouse, but shall be altogether acquitted and discharged of and from the Payment of the Tobacco, in such Notes, or Receipts, mentioned; any Thing before to the contrary notwithstanding.

Warehouses happening to be burnt, the Loss of Tobacco to be made good in the public Levy.

LV. **And be it further Enacted**, *by the Authority aforesaid*, That the Clerk of each County within this Province, do, and shall, provide a well bound or stitched Book, to have recorded therein, all the Proceedings of the Justices relating to this Act; and that it be the Duty of the Clerk of the County Court, for the Time being, to attend them on all Occasions relating to this Act, and that he be qualified by Oath, before some Magistrate, to keep fair and just Entries of the Proceedings of the said Justices, and do all other necessary Services, in relation to this Act, that shall be required of him by the Justices aforesaid; for all which Services he shall annually be allowed, out of the Profits arising by virtue of this Act, a Sum not exceeding Eight Hundred Pounds of Tobacco.

County Clerks Duty in assisting Magistrates.

To be allow'd 800 ℔ of Tobacco, annually.

LVI. **And** for the better detecting of Inspectors who shall not do their Duty, **Be it Enacted**, That the Justices of the County Court shall hear and determine,

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Inſpectors misbehaving may be removed by the County Court, &c. but ſhall be ſummoned to make their Defence.

determine all Complaints againſt them, and if they ſhall find them deficient in their Duty, they ſhall remove any ſuch Inſpector or Inſpectors, and their Proceedings ſhall be in a ſummary Way; and if they adjudge any Inſpector or Inſpectors to be removed, the ſaid Juſtices, in ſuch Caſe, ſhall, with all convenient Speed, notify the ſame to the Governor, or Commander in Chief, for the Time being. **Provided always**, That the Inſpector or Inſpectors to be complained againſt, be ſummoned to appear and make his or their Defence; but in Caſe he or they will not appear, his Non-appearance ſhall be taken for a Confeſſion, without ſome reaſonable Excuſe be given for the ſame.

No Tobacco to be clandeſtinely tranſported into the Neighbouring Colonies, or elſewhere, before the ſame be inſpected, entered, and Permit obtained.

LVII. **And** for preventing the clandeſtine Tranſportation of bad and unmerchantable Tobacco, from this Province into the Colony of *Virginia*, or the Province of *Pennſylvania*, or the Three Lower Counties on *Delaware*, called *New-Caſtle*, *Kent*, and *Suſſex*, or the reputed Limits of the ſaid Province, or Counties, as now ſettled by Inhabitants, or to any other Ports or Places whatſoever, out of this Province; and alſo, for the better preventing the Exportation of Tobacco in Bulk or Parcels; **Be it Enacted**, *by the Authority aforeſaid*, That no Tobacco whatſoever, of the Growth or Production of this Province, ſhall, during the Continuance of this Act, be tranſported or carried, either into the ſaid Colony of *Virginia*, or the Province of *Pennſylvania*, or the Three Lower Counties upon *Delaware*, called *New-Caſtle*, *Kent*, and *Suſſex*, or the reputed Limits of the ſaid Province or Counties as now ſettled by Inhabitants, or to any other Ports or Places whatſoever, out of this Province, either by Land or Water, until the ſame hath been firſt Viewed, Examined and Stamped, at one or other of the Warehouſes appointed, or to be appointed, in purſuance of this Act, nor until due Entry thereof ſhall be made with the Officers of the Cuſtoms in the Diſtrict wherein the Owner of the ſaid Tobacco ſhall reſide, and a Permit obtained from them for that Purpoſe. And if any Perſon or Perſons, ſhall preſume to carry or tranſport, or cauſe to be carried or tranſported, any Tobacco not Inſpected and Stamped, or without having obtained ſuch Permit, as aforeſaid, to the ſaid Colony of *Virginia*, or the Province of *Pennſylvania*, or the Three Lower Counties upon *Delaware*, called *New-Caſtle*, *Kent* and *Suſſex*, or the reputed Limits of the ſaid Province, or Counties, as now ſettled by Inhabitants, or to any other Ports or Places whatſoever, out of this Province, he or they ſo offending, ſhall forfeit and pay Eight Hundred Pounds of Tobacco, for every Hogſhead, Caſk, or Caſe of Tobacco, and One Hundred and Sixty Pounds of Tobacco for every Hundred Pounds of Tobacco in Bulk or Parcel, ſo tranſported or carried out, contrary to the Direction of this Act.

Penalty.

An Oath to be taken, by Sheriffs, Conſtables, and Inſpectors, with Relation thereto.

LVIII. **And be it further Enacted**, That all Sheriffs, Under-Sheriffs, and Conſtables, who ſhall be in Office on the Thirtieth Day of *November*, One Thouſand Seven Hundred and Sixty-three, at the firſt Court to be held for their reſpective Counties after the ſaid Thirtieth Day of *November*, ſhall take an Oath, "*That if they ſhall at any Time, know, or be credibly informed, or have good Reaſon to ſuſpect, that any Tobacco is preſſed, or packed, in any Caſk, Caſe, Cheſt, or other Package whatſoever, or any Tobacco is put on board any Boat or Veſſel, in order to be ſhipped off, without being Inſpected, or that any Tobacco is carrying, or carried, out of this Province, either by Land or Water, into the Colony of* Virginia, *or the Province of* Pennſylvania, *or the Three Lower Counties on* Delaware, *called* New-Caſtle, Kent, *and* Suſſex, *or the reputed Limits of the ſaid Province or Counties, as now ſettled by Inhabitants, or to any other Ports or Places whatſoever, out of this Province, without a Permit for ſo doing, they will forthwith make Information, and a particular Diſcovery thereof, to the next Juſtice of the Peace of the County where ſuch Tobacco ſhall be.*" And that all Sheriffs and Under-Sheriffs reſpectively, which ſhall after the ſaid Thirtieth Day of *November* be Appointed or Sworn into the ſaid Offices, ſhall, at the Time of their being Sworn, take the ſame Oath, and obtain a Certificate thereof; and every ſuch Officer failing ſo to do, ſhall forfeit

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forfeit Eight Hundred Pounds of Tobacco to the Informer, to be recovered with Costs, by Action of Debt or Information, in any Court of Record within this Province. And every Inspector and Constable shall take the same Oath, or Affirmation if a Quaker, at the first Court held for the County where he resides, or at the same Court if Sworn at the County Court, after he shall be Sworn into his Office, under the like Penalty.

Penalty for not taking the Oath.

LIX. **And be it likewise Enacted**, That any Justice of the Peace of any County, near the Place where any Ship, Sloop, Boat, or other Vessel, shall ride, upon Application to him made by any Person suspecting any Tobacco in Bulk or Parcel, Hogshead or Hogsheads, to be laden on board such Ship Sloop, Boat, or other Vessel, contrary to the Directions of this Act, such Justice shall, and he is hereby impowered and required to issue his Warrant directed to the Sheriff, or any Constable of his County, and the Sheriff, or Constable, shall have full Power and Authority, and he is hereby required to enter and go on board such Ship, Sloop, Boat, or other Vessel, to search for and seize such Tobacco; and the same being seized, shall be brought on Shore, and carried before the same, or any other Justice, who shall cause the same to be immediately weighed, and if trashy or bad, immediately Burnt, if good, carried to the Inspecting-House, there to be Inspected, and sold for the Use of the County. And if any Master, Owner, or commanding Officer, of any Ship or Vessel, or the Skipper of any Sloop, Boat, or other Vessel, or any other Person whatsoever, shall resist the Officer in the Execution of any such Warrant, every such Master, Owner or commanding Officer, shall forfeit and pay Eight Thousand Pounds of Tobacco, and every such Skipper, Sailor, or other Person so resisting, shall forfeit and pay Three Thousand Two Hundred Pounds of Tobacco; which Forfeitures shall be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law, nor more than one Imparlance shall be allowed; one Half thereof to the Informer, the other Half to be applied to the several and respective Counties to defray the Expence that hath or may accrue in the due Execution of this Act. And if any Action shall be brought against any Justice of the Peace, Sheriff, Under-Sheriff, or Constable, or other Officer appointed by this Act, for doing any Thing in the Execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence, and if the Plaintiff shall be Nonsuit, or a Judgment pass against him upon a Verdict or Demurrer, the Defendant shall recover double Costs.

Justices to issue Warrants for searching Vessels, wherein such Tobacco is suspected to be laden.

Masters or Skippers resisting, forfeit 8000 lb and each Sailor or or other Person 3200 lb of Tobacco.

On Suit, the General Issue may be pleaded.

LX. **And be it further Enacted**, *by the Authority aforesaid*, That no Person taking upon himself the Office of an Inspector, shall, during his Continuance in that Office, or within two Years next after he shall be out of his said Office, be capable of being elected a Member of the House of Delegates; or shall presume to intermeddle, or concern himself with any Election of a Delegate or Delegates, otherwise than by giving his Vote; or shall endeavour to influence any Person, or Persons, to give his or their Vote or Votes; under the Penalty of Eight Thousand Pounds of Tobacco for every Offence. Neither shall any Inspector, during the Time aforesaid, be, or undertake to be, Collector of his Lordship's Quit-Rents, or of any Public, County, or Parish Levies, or of any Officers Fees; nor shall, directly or indirectly for himself, or any other Person, during his Continuance in the said Office, buy or receive by way of Barter, Loan, or Exchange, any Tobacco whatsoever, or suffer or permit any Tobacco to be bought by any Person or Persons whatsoever, with any Money arising by the Sale of any Goods, Wares, or Merchandizes whatsoever, made by any of the Inspector or Inspectors, either upon their own Accounts, or the Accounts of any other Person or Persons whatsoever; nor shall any way intermeddle with, or busy him or themselves in procuring Tobacco to be Sold or Consigned to any Merchant, or in Lading any Ship or Vessel with Tobacco (except the proper Tobacco of such Inspector or

Inspectors not to be capable of being elected Delegates, or to be Collectors of QuitRents, or Public, or County Levies; nor to receive Tobacco by way of Loan, Barter, Exchange, or Purchase, nor to procure Tobacco on Freight, &c.

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or Inſpectors), under the Penalty of Two Hundred and Forty Pounds of Tobacco for every Hundred Pounds Weight of Tobacco, and ſo in Proportion for a greater or leſs Quantity, ſo Bought or Received, or procured to be Conſigned or Laden on board ſuch Veſſel; to be recovered before One Magiſtrate, as in Caſe of ſmall Debts, where the Forfeiture does not exceed Six Hundred Pounds of Tobacco, and where it exceeds Six Hundred Pounds of Tobacco, in any Court of Record, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information; one Half thereof to the Uſe of the Informer, and the other to the ſeveral and reſpective Counties, to defray the Expence that hath or may accrue in the due Execution of this Act. **Provided always**, That nothing herein contained ſhall be conſtrued to hinder any Inſpector from receiving his own proper Debts or Rents in Tobacco, which ſhall be firſt viewed, examined, and ſtamped, according to the Directions of this Act.

Penalty.

But may receive their own Debts, &c. in inſpected Tobacco.

Inſpectors not to accept of any Fee, or Reward, other than allowed in this Act.

LXI. **And**, for the further and better Direction of the Inſpectors aforeſaid in their Duty, **Be it Enacted**, That no Inſpector ſhall take, accept, or receive, directly or indirectly, any Gratuity, Fee, or Reward, for any Thing by him to be done in purſuance of this Act, other than his Salary, and the other Payments and Allowances herein before mentioned and expreſſed. And if any Inſpector ſhall take, accept, or receive any ſuch Gratuity, Fee, or Reward, every ſuch Inſpector, being thereof convicted, ſhall forfeit and pay Eight Thouſand Pounds of Tobacco; to be recovered with Coſts, by any Perſon or Perſons who ſhall inform, or ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province: And moreover ſhall be diſabled from holding the Place or Office of an Inſpector, or any other Office, during the Continuance of this Act. And if any Perſon or Perſons ſhall offer any Bribe, Reward, or Gratuity, to any Inſpector, for any Thing by him to be done in purſuance of this Act, other than the Fees and Allowances herein before mentioned and appointed, every Perſon ſo offending, and being thereof convicted, ſhall for every ſuch Offence forfeit and pay Sixteen Hundred Pounds of Tobacco, to be recovered in any Court of Record within this Province; to the Uſes in this Act hereafter mentioned.

Penalty.

Perſons offering them any Bribe or Reward;

Penalty.

Perſons refuſing to accept Tobacco offered by Inſpectors in Payment; the ſame to be decided by Three ſkilful Planters appointed by a Magiſtrate.

LXII. **And be it further Enacted**, That when any Perſon ſhall be entitled to receive a Hogſhead of Tobacco, by virtue of any Inſpector or Inſpectors Notes or Receipts, the Inſpector or Inſpectors ſhall be obliged to open the Hogſhead, and ſhew ſuch Tobacco to the Perſon demanding the ſame, and alſo re-weigh the ſame if required, whether ſuch Tobacco be Crop or Tranſfer: And if ſuch Perſon ſhall refuſe to accept of the Tobacco offered or tendered in Payment, as bad, unſound, and unmerchantable, ſuch Perſon ſo refuſing and not accepting thereof, ſhall make immediate Application to any One Juſtice of the Peace, in the County where ſuch Warehouſe ſhall be, at which the Tobacco ſo refuſed ſhall be offered or tendered in Payment, who is no ways related to the Parties, nor concerned in Intereſt; and the ſaid Juſtice, by Warrant under his Hand, ſhall immediately appoint Three of the moſt able Planters, well ſkilled in Tobacco, and who are no ways related to the Parties, or concerned in Intereſt, to view and examine the ſaid Tobacco; which ſaid Three Planters ſo as aforeſaid appointed, ſhall immediately repair before ſome Juſtice, and ſhall take an Oath, or Affirmation if a Quaker, before ſuch Juſtice, (which Oath, or Affirmation, ſuch Juſtice is hereby impowered and required to adminiſter), "*Carefully to view and examine the ſaid Tobacco, "and to the beſt of their Skill and Judgment, not to paſs any Tobacco that is "not ſound, well-conditioned, merchantable, and clear of Traſh, according to "the Directions of this Act; and that they will therein do their Duty, according "to their Judgment and Conſcience, without Fear, Favour, Affection, Malice, "or Partiality:*" Which ſaid Three Planters, ſo ſworn, are hereby directed, impowered, and required, upon ſuch Application, to repair to the Warehouſe, where ſuch Tobacco ſhall be offered or tendered in Payment, and carefully to

The Three Planters to be Sworn.

to view and examine the same, in such Manner as they shall think fit: And if any Two of them shall adjudge the Tobacco, or any Part thereof, so tendered or offered in Payment, to be bad, unsound, or unmerchantable, to cause the same to be immediately burnt, unless the said Inspector or Inspectors shall desire to pick the same; in which Case the said Three Planters, chosen to view such Tobacco as aforesaid, shall cause the said Inspector or Inspectors to pick the same, and shall cause the bad, unsound, and unmerchantable Tobacco therein, to be burnt. And for their Trouble, the said Three Planters, who shall be present at such View, shall be paid by the Inspector or Inspectors, who offered the same in Payment, Forty Pounds of Tobacco each. And if the said Planters, or any Two of them, shall adjudge the Tobacco so offered or tendered in Payment, to be good, sound, and merchantable, according to the Directions of this Act, the said Planters so attending shall be paid by the Party desiring such View, Forty Pounds of Tobacco each, as aforesaid. And when any Tobacco shall be tendered or offered in Payment by any Inspector, and refused, the said Inspector or Inspectors shall not be at Liberty to tender or offer in Payment, nor the Person demanding the same to receive, any Tobacco in lieu thereof, before such Tobacco shall have been viewed as aforesaid; but the Person refusing shall immediately mark the same. And if any Inspector shall offer or tender in Payment, any Tobacco in lieu of the Tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same Tobacco so refused, to the said Viewers, in either Case, it shall be taken for a Conviction that the Tobacco first tendered in Payment was bad, unsound, and unmerchantable: And moreover, the said Inspectors shall forfeit and pay Sixteen Hundred Pounds of Tobacco for every such Offence. And if the Person, who shall refuse any Hogshead of Tobacco as aforesaid, shall accept and receive another Hogshead of Tobacco, in lieu of that refused, before such Hogshead so refused shall be viewed as aforesaid, he shall forfeit and pay Sixteen Hundred Pounds of Tobacco for every Hogshead.

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The Judgment of two of them to determine, &c.

Their Fees, and by whom to be paid.

Tobacco so offered, and refused, not to be changed without being viewed, as aforesaid.

Penalty on the Inspector offering,

and the Person accepting other Tobacco.

LXIII. **Provided always, and be it Enacted**, That where Two Inspectors in the same Inspection, shall disagree as to the Quality of any Hogshead or Hogsheads of Tobacco, and that a Review shall be required, and such Hogshead or Hogsheads, or any Part thereof, shall be by such Reviewers adjudged unmerchantable, or be burnt by the Directions of this Act, that then, and in such Case, the Inspector who was against first passing such Tobacco or Tobaccoes, shall not be burthened with making Satisfaction for the same, or any Part or Parcel thereof; but then, and in such Case, the other Inspector who would have passed the same, and approved thereof, shall be burthened with, and make Satisfaction for, the whole; any Thing in this Act to the contrary in any wise notwithstanding.

In Case one of the Inspectors had originally refused such Tobacco, he shall not be liable.

LXIV. **And** when any prized Tobacco shall be brought to any public Warehouse, in order to be Shipped on Freight, and the Inspector or Inspectors there attending, shall refuse to pass such Tobacco, unless such as shall be bad and unmerchantable be picked and separated from the rest, in such Case, the said Inspector or Inspectors, shall permit the Owner, or other Person bringing such Tobacco, to make use of one or more of their Prizes, for the re-packing and prizing such Tobacco. And if there shall be several Hogsheads of Tobacco, belonging to several Owners, to be picked, re-packed and prized, at any public Warehouse, the Owner, or other Person bringing the same, whose Tobacco shall be first viewed and refused, shall be first permitted and allowed to make use of such Prize or Prizes; and the same Rule shall be observed in the prizing all Tobacco which shall be picked, re-packed, and prized as aforesaid. And for all Tobacco re-packed and prized by the Owner thereof, or the Servants and Slaves to him belonging, there shall be paid to the Inspectors thereof, only Twenty-eight Pounds of Tobacco on the Eastern Shore, and Twenty-four Pounds of Tobacco on the Western

Crop Hogsheads refused by the Inspectors may be picked, &c.

Owners thereof may have the Use of the Prizes for that Purpose, in their Turn.

Allowance per Hogshead for Tobacco inspected, if re-packed, &c. by the Owner,

if re-packed, &c. by the Inspectors.

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Shore, for ſtamping; and for all Tobacco re-packed and prized by the Inſpectors, Fifty-ſix Pounds of Tobacco for each Hogſhead, and alſo Four Pounds of Tobacco for Nails, unleſs the Proprietor ſhall find and provide Nails. And no Inſpector ſhall take or convert to his own Uſe, or otherwiſe diſpoſe of, any Draughts or Samples of Freight or Crop Tobacco; but the ſame (if fit to paſs) ſhall be carefully put into the Hogſhead out of which it was drawn, under the Penalty of forfeiting One Hundred and Sixty Pounds of Tobacco, for every Draught ſo taken away, contrary to the Directions of this Act: To be recovered before any Juſtice of the Peace of the County wherein ſuch Offence ſhall be committed. And all and every Inſpector or Inſpectors, if required, ſhall alter the Mark of any Hogſhead of Tobacco, for which they have before given a Receipt; and for preventing Confuſion and Miſtakes, ſhall keep a Waſte-Book, in which ſhall be entered the Marks and Numbers of all Hogſheads of Tobacco received by them; and another Book, in which ſhall be entered the Marks and Numbers thereof, when the ſame ſhall be delivered out by them. And all Inſpectors, when required, ſhall be obliged to prize any Hogſhead of Crop Tobacco, under Nine Hundred and Fifty Pounds Nett, ſo as to make it up that Weight; but ſhall receive the ſame Fee upon ſuch Hogſhead, as for Transfer Tobacco, and may make the lawful Abatements for the Tobacco prized in. And where any Tobacco ſhall be brought to any Warehouſe, by the Overſeer of the Owner thereof, the Inſpector or Inſpectors ſhall give Notes and Receipts in the Name of the Owner, and not of the Overſeer; which Notes and Receipts ſhall be delivered to the Owner, or to his Order.

Samples, if good, to be replaced by the Inſpectors.

Penalty.

Inſpectors to keep a Book of Marks and Numbers of Tobacco received,

and another of the Marks, &c. when delivered out.

Light Crop Hogſheads.

Notes to be given in the Name of the Owners of Tobacco when brought by Overſeers.

Light Hogſheads of Tobacco not ſtamped, may be delivered after Inſpection to Owners, but not ſhipped till inſpected anew.

LXV. **And be it further Enacted**, *by the Authority aforeſaid*, That any light Hogſhead or Parcel of Tobacco, after the ſame ſhall be paſſed at any public Warehouſe, and not ſtamped, ſhall and may be delivered out by the Inſpector or Inſpectors to the Owner of their Notes; and ſuch Tobacco may be carried away, for the better ſorting and ſtemming the ſame; provided the Perſon receiving ſuch Tobacco ſhall pay for the Inſpection thereof, after the Rate of Fifty-ſix Pounds of Tobacco for every Nine Hundred and Fifty Pounds Weight, and ſo in Proportion for a greater or leſſer Quantity; And that ſuch Tobacco ſhall not be ſhipped off, until it ſhall be again inſpected, paſſed, and ſtamped; for which the Inſpector or Inſpectors ſhall again receive the eſtabliſhed Fees, under the ſame Penalties as are herein before inflicted, for ſhipping off, and taking on board any Ship, or other Veſſel, Tobacco not inſpected, viewed, and ſtamped, according to the Directions of this Act.

Transfer Notes may be turned into Crop.

LXVI. **And be it further Enacted**, That the Owner of any Transfer Notes, may at any Time receive and mark Hogſheads of Tobacco for ſatisfying ſuch Notes, and the Inſpector or Inſpectors ſhall take in his or their former Notes, and deliver Crop Notes and Receipts for ſuch Hogſheads, and ſhall be anſwerable for the ſafe keeping thereof, in the ſame Manner as they are for Crop Tobacco. But the Perſons receiving ſuch Hogſheads ſhall pay to the Inſpectors Sixty Pounds of Tobacco for the Inſpection and Nails, for every Hogſhead; *That is to ſay*, Thirty-two Pounds of Tobacco upon the Eaſtern Shore, and Thirty-ſix Pounds of Tobacco upon the Weſtern Shore, down, and Twenty-eight Pounds of Tobacco on the Eaſtern Shore, and Twenty-four Pounds of Tobacco on the Weſtern Shore, when the Tobacco ſhall be delivered out. And the Inſpectors ſhall ſell all Transfer Tobacco, which ſhall not be ſo received and marked, on the Second Day of holding the Court, if fair Weather, if not, on the next fair Day of the Court of their reſpective Counties, in the Month of *November*, yearly, by public Auction, in ſingle Hogſheads, and not otherwiſe, in their County Courts reſpectively held in that Month; and ſhall pay the Money ariſing by ſuch Sale, at the average Price of the Sale of the Tobacco belonging to each Houſe, in Satisfaction of their Notes, from Time to Time, to the Proprietors thereof making their Demand, under the ſame Penalty as is inflicted for not paying Inſpectors Notes.

Allowance to the Inſpectors.

Transfer Tobacco not turned into Crop, ſhall be ſold annually by Auction each *November* Court, in ſingle Hogſheads, &c.

LXVII. And

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LXVII. **And** for preventing Frauds that may be practiced, by selling only Part of such Tobacco not received as aforesaid, **Be it Enacted**, That all Inspectors shall, in Ten Days before *November* Court in each respective County, yearly, lodge with the respective County Clerks where they shall officiate, an Account upon Oath, of all the Transfer Tobacco at that Time in their Hands, before the same shall be exposed to Sale: And all Inspectors shall keep a just and true Account of the Tobacco gained or saved, upon the Allowances made for Cask or Shrinkage of Transfer Tobacco; and if any Tobacco shall be so gained or saved, shall exhibit an Account thereof upon Oath, or Affirmation if a Quaker, in the same Manner as is before directed, concerning Transfer Tobacco not received; and shall also sell the Tobacco so gained and saved, in the same Manner as is before directed for the Sale of Transfer Tobacco, and shall account for the Money arising by such Sale to the Justices aforesaid; and no Inspector shall convert any Tobacco so gained or saved, to his own Use, either by the Allowances for Shrinkage, or Four per Cent for Cask or otherwise howsoever.

Inspectors to exhibit Accounts of all such Transfer Tobacco on Oath;

and of all Tobacco gained or saved upon Allowances, &c.

LXVIII. **And be it further Enacted**, *by the Authority aforesaid*, That all Inspectors shall annually, in *November* Court, after the Sale of the Transfer Tobacco, and one Day before the laying of the County Levy, account with the Justices of the respective Counties upon Oath, or Affirmation if a Quaker, for all Monies and Tobaccoes received, or which ought to be received, by them, by virtue of this Act (except the Money and Tobacco paid for Nails), for every Hogshead of Transfer: In which Account they shall be allowed their Salaries, the Rent for Warehouses, Purchase of Tobacco Hogsheads, and other necessary Disbursements, in pursuance of this Act. And shall, and are hereby obliged to pay to the Owners or Proprietors, for the Rent of their Warehouses, the same Proportion in Money and Tobacco, as they shall on the whole receive in that Year, on Account of their said several Warehouses.

Inspectors to account every *Nov.* Court, with the Justices, on Oath, &c.

And pay the Rents of their Warehouses.

LXIX. **And** if it shall so happen, that at the laying of the said County Levy, there shall be any Claim or Claims arising by the Salary of an Inspector or Inspectors, County Clerk, or other annual Charge, from any Inspecting-House or Houses, within any County in this Province, it shall and may be lawful for the Justices of such County respectively, and they are hereby directed and required, at the *November* Court of such County, yearly, to assess and levy a Quantity of Tobacco, sufficient to discharge the same, on the taxable Inhabitants of such County, that thereby the Current Expences of each Year may be defrayed.

Charges arising by Salaries, &c. to be settled in *Nov.* annually.

Deficiencies to be raised by a County Levy.

LXX. **And be it further Enacted**, That all Debtors now owing Tobacco, which did arise due before the Sixteenth Day of *May*, Seventeen Hundred and Forty-seven, their Executors and Administrators, shall, if they pay their Tobacco Debts then due, in Inspected Tobacco, at Warehouses, in pursuance of this Act, be allowed by their several and respective Creditors, their Executors or Administrators, a Deduction of one Fourth Part of their said Debts or Demands.

A Fourth to be deducted from Tobacco Debts, due before the 16th *May* 1747.

LXXI. **And forasmuch** as several, or most of the Traders, within this Province, have kept their Books in Money, though in Truth their Dealings have been for Tobacco, and the Intention both of Creditor and Debtor hath been, that the Payment should be made in Tobacco; **Be it therefore Enacted**, That in all such Cases, the Creditor shall be paid in Tobacco at the general Rates such Creditor dealt at the Time such Contract was made, and according to the true Intent and Meaning of this Act, deducting from such Debts one Fourth Part of the Demands, as aforesaid, if the Creditor be paid in Inspected Tobacco, in case of Debts due before the Sixteenth Day of *May*, Seventeen Hundred and Forty-seven, and not otherwise.

In what Case Money Accounts may be paid in Tobacco.

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Notes, Bonds, &c. given for Money, to be void if the Debt was contracted for Tobacco before *May* 16, 1747.

LXXII. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That all Judgments, Bonds, Bills, Mortgages, Bills of Exchange, Notes, or other Securities of any kind, for the Payment of Money, inſtead of Tobacco, which have been or ſhall be taken, in order to elude the Proviſion made by this Act, or the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, on the Sixteenth Day of *May*, Seventeen Hundred and Forty-ſeven, for the Abatement and Deduction of Tobacco-Debts, by any Perſon or Perſons whatſoever, to his, her, or their own Uſe, or to the Uſe or in Truſt for any other Perſon or Perſons, ſince the Fifteenth Day of *May*, Seventeen Hundred and Forty-ſeven, ſhall be void and of none Effect.

If Execution be iſſued, in ſuch Caſe, the Party may ſue an *Audita Querela*.

LXXIII. **And be it further Enacted**, That if any Judgment hath been rendered, or ſhall be rendered, and that any Execution hath been, or ſhall be, iſſued, that the Party may ſue an *Audita Querela*; and if any Perſon or Perſons ſhall be ſued on any ſuch Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security taken, in order to elude the Proviſion made by this Act, or the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Sixteenth Day of *May*, Seventeen Hundred and Forty-ſeven, as aforeſaid, that the Defendant or Defendants may Plead the General Iſſue, and give the Special Matter in Evidence; and if it ſhall appear to the Court or Jury who ſhall Try the Fact, that the Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, upon which the Suit ſhall be commenced, was given for Money in lieu or ſtead of Tobacco, in order to elude the Proviſion made by this, or the ſaid recited Act, as aforeſaid, that the Plaintiff ſhall be Nonſuit, and pay the Defendant's Coſts.

To prevent the Defendant from Injury, the Plaintiff may be interrogated on Oath.

LXXIV. **And** to the End that no Defendant may be injured, by the difficulty of Proving the Fact, **Be it Enacted**, That it ſhall and may be lawful for the Court wherein any ſuch Judgment hath been, or ſhall be entered, or wherein any ſuch Action ſhall be commenced, to examine and interrogate the Plaintiff or Plaintiffs, upon his or their Oath, or Affirmation in caſe a Quaker or Quakers is or are concerned, for what Conſideration ſuch Judgment, Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, was paſſed; and if it ſhall appear upon ſuch Examination, that the ſame was given or paſſed for Money, in ſtead and lieu of Tobacco, as already mentioned, that then and in ſuch Caſe, the Plaintiff or Plaintiffs, ſhall be Nonſuit, and pay the Defendant's Coſts; and in caſe any Plaintiff or Plaintiffs ſhall refuſe to ſubmit to ſuch Examination, ſuch Refuſal ſhall be deemed and taken to be a Confeſſion or Proof of the Fact.

Puniſhment for falſe Swearing.

LXXV. **And be it likewiſe Enacted**, That if any Plaintiff in any ſuch Caſe, ſhall knowingly Swear or Affirm falſly, and be thereof convict, he, ſhe, or they, ſhall ſuffer as in caſe of wilful and corrupt Perjury.

Contract for Tobacco in Specie, to ſtand good.

LXXVI. **Provided always**, and it is the true Intent and Meaning of this Act, That nothing therein contained ſhall extend, or be conſtrued to extend, to vacate or aboliſh any Contract, Bargain, or Agreement, made for the Payment of Tobacco in Specie, before the ſaid Sixteenth Day of *May*, Seventeen Hundred and Forty-ſeven; but that ſuch Bargain, Contract, or Agreement, ſhall be and remain in full Force and Effect; any Thing in this Act contained to the contrary notwithſtanding.

LXXVII. **And be it further Enacted**, That all Bonds (with Power of Attorney to confeſs Judgment), taken for Money in lieu of Tobacco, between the Fifteenth Day of *May*, Seventeen Hundred and Forty-ſeven, and the Firſt Day

Day of *December*, Seventeen Hundred and Forty-eight, shall be and are hereby made Void and of no Effect: And it shall not be lawful for any Justices of any Court within this Province, to render or give Judgment on such Bonds, by virtue of such Power of Attorney; and no Clerk or Clerks of any Court or Courts, within this Province, shall issue or make out any Execution, upon such Judgment. And that during the Continuance of this Act, no Judgments shall be entered on any Judgment Bonds for Money, taken after the Fifteenth Day of *May*, One Thousand Seven Hundred and Forty-seven, until the Court, Judge, or Justice, before whom a Judgment is or shall be offered to be entered up, be satisfied, that the Defendant or Defendants, is or are actually run away; nor even then, unless the Plaintiff or his Attorney in Fact, or one acquainted with the Transaction, makes Oath, that the Bond was not passed for a Tobacco Debt, contrary to the true Intent and Meaning of this, or the aforesaid other recited Act.

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Judgment Bonds taken for Money in lieu of Tobacco, to be void, &c.

LXXVIII. **And whereas**, the excessive Quantity of Tobacco made, may, in some measure, depreciate that Branch of Trade: In order therefore to encourage the Manufacturing of Hemp, Flax, and other proper Materials, for the necessary Cloathing and Use of his Majesty's Subjects within this Province, and to divert Part of the People from Labouring in Tobacco; **Be it Enacted**, *by the Authority, Advice and Consent aforesaid*, That from and after the End of this Session of Assembly, it shall and may be lawful for any Person or Persons, not making Tobacco, by themselves, Servants or Slaves, within this Province, to pay, at or before the Tenth Day of *April* yearly, or as the Business, or Services, they may want in any of the Offices, shall be done, during the Continuance of this Act, as well the Poll Tax due to the Clergy, as all Lawyers and Officers Fees, and Assessments for building or repairing Churches, in Gold and Silver, as regulated by this Act; and that such Payment, or Tender thereof, and Refusal, shall be a full Satisfaction and Discharge for the same, though charged in Tobacco; any Law, Statute, Usage, or Custom, or any thing contained in this Act, to the contrary thereof in any wise notwithstanding.

Persons not making Tobacco, may pay off Taxes and Fees, in Gold and Silver, as regulated by this Act.

LXXIX. **Provided always**, That every Person or Persons allowed by this Act to pay Gold and Silver instead of Tobacco due as aforesaid, shall make Oath, or Affirmation if a Quaker, *That he did not in the Year preceding, by himself, or by his Children, Servants, or Slaves, make any Tobacco for Sale.*

But shall make Oath that they made no Tobacco for Sale.

LXXX. **And be it Enacted**, That where any Person or Persons within this Province, shall have taxable Persons in different Counties, and doth not by himself, or themselves, Children, Servants, or Slaves, make Tobacco within this Province, That it shall and may be lawful for such Person or Persons, to make Oath to that Purpose, before any Justice of the County where such Person or Persons shall reside, and a Certificate or Certificates of such Oath, from the said Justice, shall be sufficient to any Sheriff, in a different County, to receive Gold or Silver in lieu of Tobacco, from such Person or Persons, for such Taxables.

Persons having Taxables in different Counties may make Oath in the County where they reside.

LXXXI. **And whereas**, many Persons not making Tobacco, have been, and may be, unable to pay the Poll-Tax due to the Clergy, and Lawyers and Officers Fees, in Gold or Silver as aforesaid, by the Tenth Day of *April* yearly, and as it hath been, and may prove, a great Inconvenience and Oppression to such Persons, to be obliged to pay and discharge the Poll-Tax due to the Clergy, and Lawyers and Officers Fees, in a Commodity which they frequently cannot procure, but by purchase from Sheriffs, and others, who taking Advantage of their Necessity, demand and exact exorbitant Prices for the same: For remedy whereof, **Be it Enacted**, *by the Authority, Advice and Consent aforesaid*, That it shall not be lawful for any Sheriff, or other Officer, to take or demand of, or from, or execute, or cause to be executed, any

In Case those who do not make Tobacco cannot pay by the Tenth of *April*; shall not be executed in any other Manner than for Gold and Silver.

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any Perſon or Perſons not making Tobacco, by him or them, his or their Children, Servants or Slaves, or the Goods and Chattels of ſuch Perſon or Perſons, not making Tobacco as aforeſaid, for the Poll-Tax due to the Clergy, Lawyers, or Officers Fees, Aſſeſſments for building or repairing Churches, or for Public or County Levies, in any other Manner than for Gold and Silver, at the Rates in Tobacco mentioned in this Act; notwithſtanding that ſuch Perſon or Perſons, not making Tobacco, as aforeſaid, ſhall fail in paying before the Tenth Day of *April* yearly, the Poll-Tax due to the Clergy, Lawyers, or Officers Fees, Aſſeſſments for building or repairing Churches, the Public or County Levies, as by this Act is directed; any thing herein contained, or any Law to the contrary notwithſtanding.

Certificate of the Oath to be lodged with the Sheriff, by the 10th *April*, yearly.

LXXXII. **Provided always**, That ſuch Perſon or Perſons, not making Tobacco as aforeſaid, ſhall make Oath, or Affirmation thereof if a Quaker, according to the Directions of this Act, and lodge a Certificate of ſuch Oath or Affirmation with the Sheriff of the County, at or before the Tenth Day of *April* yearly, the Party lodging ſuch Certificate taking a Copy thereof from the Sheriff, which he is hereby directed to give and atteſt, and which Copy ſo atteſted by the Sheriff, ſhall be good Evidence to prove that the Party lodged ſuch Certificate.

Sheriffs to execute after the 10th of *June*.

LXXXIII. **And be it likewiſe Enacted**, That in caſe ſuch Perſon or Perſons, not making Tobacco as aforeſaid, ſhall make Oath, or Affirmation thereof if a Quaker, and lodge a Certificate thereof with the Sheriff of the County as aforeſaid, on or before the Tenth Day of *April*, as is before directed, and ſhall not pay in Gold and Silver as aforeſaid, the Poll-Tax due to the Clergy, Lawyers, and Officers Fees, Aſſeſſments for building or repairing Churches, Public or County Levies, on or before the Tenth Day of *June* in every Year, during the Continuance of this Act, that then, and in ſuch Caſe, the Sheriff or other Officer who ſhall be legally authorized to receive and collect the ſame, ſhall execute ſuch Perſon or Perſons, his, her, or their Goods, and Chattels, after the ſaid Tenth Day of *June*, for ſuch Poll-Tax, Aſſeſſments, Public or County Levies, in Gold and Silver, as regulated in Tobacco as aforeſaid.

Perſons making Tobacco may pay Part in Money,

LXXXIV. **And be it likewiſe Enacted**, That it ſhall and may be lawful for any Perſon or Perſons making Tobacco, by themſelves, his, her, or their Children, Servants or Slaves, to pay what Tobacco he, ſhe, or they, ſhall make in one Year, during the Continuance of this Act, towards the Diſcharge and Satisfaction of his, her, or their ſeveral and reſpective Debts due the ſame Year for the Poll-Tax to the Clergy, and for Lawyers and Officers Fees, to be divided proportionably between every ſuch Creditor; and the remaining Part of ſuch Debts, to diſcharge and pay, in Gold and Silver; any thing in this Act, or any Law, to the contrary notwithſtanding.

On making Oath that they made no more Tobacco than what they have paid, &c.

LXXXV. **Provided always**, That every ſuch Perſon or Perſons making Tobacco as aforeſaid, before he, ſhe, or they, ſhall be allowed to pay or diſcharge any Part of the Poll-Tax aforeſaid, Lawyers or Officers Fees, in Gold and Silver as aforeſaid, do and ſhall make Oath, or Affirmation if a Quaker, at or before the Tenth Day of *April*, yearly, that he, ſhe or they, hath or have not, by him, her, or them, his or their Children, Servants or Slaves, made any more Tobacco than what he, ſhe, or they, hath, or have already paid towards the Diſcharge and Satisfaction of the Poll-Tax due to the Clergy, and Lawyers, and Officers Fees, except what he, ſhe, or they, have conſumed, or ſhall conſume, in his, her, or their Families, in ſuch Year.

Such Tobacco to be paid by the 5th of *April*.

Provided alſo, That ſuch Perſon or Perſons not making Tobacco enough, as aforeſaid, do pay the ſame, at or before the Fifth Day of *April*, yearly, and likewiſe pay and ſatisfy, on the Tenth Day of *June*, yearly, in Gold or Silver as aforeſaid, the reſidue of the Poll-Tax due to the Clergy, Lawyers, and Officers

Officers Fees, which the Tobacco, he, she or they, shall so pay, shall be insufficient to discharge and satisfy. CHAP. XVIII.

LXXXVI. **And be it further Enacted**, *by the Authority aforesaid*, That all the Penalties and Forfeitures in this Act mentioned, and not herein particularly appropriated, shall be recovered in the Name of the Right Honourable the Lord Proprietary, One Moiety thereof to be particularly applied towards defraying the Charge of the County where the Offence shall be committed, and the other Half to the Person that will inform or sue for the same; and where the Penalty or Forfeiture exceeds Six Hundred Pounds of Tobacco, the same to be recovered in any Court of Record; and where the Penalty or Forfeiture does not exceed the aforesaid Sum, to be recovered before One Magistrate, as in the Case of small Debts. **Provided always**, That such Prosecutions be commenced within One Year after the Offence committed. Penalties and Forfeitures how to be recovered and applied. Prosecutions to be in a Year.

LXXXVII. **And be it further Enacted**, *by the Authority aforesaid*, That no Officer or Officers, hereafter mentioned in this present Act, their Ministers, Servants or Deputies, by Reason or Colour of his or their Office or Offices, shall have, receive, or take, of any Person or Persons, directly or indirectly, any other or greater Fees which shall arise or become due, after the last Day of *November*, in the Year One Thousand Seven Hundred and Sixty-three, than by this Act are hereafter limited and allowed to the several Officers hereafter mentioned: *That is to say*; Fees to Officers after the last of *November* 1763.

LXXXVIII. To the CHANCELLOR, or Keeper of the Great-Seal.

	lb *Tob.*
For the Seal of an Original Writ,	4
The Seal of a *Recordari*,	9
The Seal of a *Subpœna ad respondendum*, with 3 Names, or under,	12
The Seal to a Proclamation of Rebellion,	270
The Seal of a Commission of Rebellion,	270
The Seal of a Grant or Patent of Land, for 500 Acres, or under,	90
The Seal of every Patent or Grant for any Quantity above 500 Acres, for every hundred Acres,	9
Seal of a Decree in Chancery, if required,	320
Seal of an Injunction in Chancery,	180
Seal of an *Audita Querela*,	90
Seal to Execution of a Decree in Chancery,	120
Seal of a Writ of Covenant for passing Fine,	12
Seal of a Commission to take Acknowledgment,	90
The Chancellor's Hand to a Writ of Assize,	180
The Seal to a Writ of Error, to the Governor and Council, as a Court of Appeals,	180
Seal to a *Scire facias* thereupon,	180
Seal to a *Supersedeas* thereupon,	180
Seal to a *Certiorari*,	180
The Seal to an Exemplification of Land, *the same with the Patent or Grant*.	
The Chancellor's Hand to a Writ of Covenant,	180
A Seal to a *Mandamus*,	90
A Seal to a *Melius inquirendum*,	90
The Seal to a Commission of a County or Provincial Court, with a *Dedimus Potestatem* to swear the Justices,	500
Seal of a *Supersedeas*, to a Commission of Rebellion or *Supplicavit*,	180
The Seal of a Sheriff's Patent for his Office,	360
Seal of a *Posse Comitatus*,	90
Seal of a Writ of Discharge (if any)	90
Seal of a Patent of Denization,	320
Seal of *Ne exeat Provinciam*,	90
Seal of a Writ of Error from any County Court,	90
Seal of a *Scire facias* thereupon,	90
Seal of a *Supersedeas* thereupon,	90
Seal of every other Matter or Thing that shall pass the Great Seal, and not herein contained, each,	90

Fees to the Chancellor.

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LXXXIX. SECRETARY's Fees.

Fees to the Secretary.

	lb Tob.
A *Recordari*,	6
A *Subpœna ad reſpondendum*, with three Names, and Return,	12
Every Name more than three,	2
An Attachment of Contempt,	8
A Proclamation of Rebellion,	64
A Commiſſion of Rebellion,	64
An Injunction,	38
A Writ of Sequeſtration, per ſide,	7
An *Audita Querela*,	87
Filing every Bill in Chancery,	19
Every Court the ſame ſhall continue,	19
Filing every Anſwer in Chancery,	17
Every Oath to the ſame,	5
Recording every Return of Commiſſion and Depoſition, per ſide,	7
A Writ of *Ad quod Damnum*, per ſide,	7
Paſſing Decree,	26
Every Motion in Court, and Order thereon,	12
A *Ne exeat Provinciam*,	64
A Writ of Enquiry of Damage, per ſide,	7
A Commiſſion to take Acknowledgment,	64
A Writ of Covenant to paſs a Fine,	8
A Writ of Aſſize,	51
A Writ of *Melius inquirendum*, or *Monſtraverunt*,	64
Drawing any Inſtrument that paſſeth the Seal, if it exceed one ſide, computing ſeven Words to a Line, and fifteen Lines to a ſide; and ſo *pro rato*,	7
For recording the ſame per ſide, as before,	7
Entring any other matter upon Record, if it exceed not half a ſide,	3
If the Matter entered upon Record exceed half a ſide, then per ſide as before,	7
Copying, the ſame per ſide with recording,	7
Any Warrant or Licenſe againſt or to more than one, not under Seal, each,	7
Any Warrant or Licenſe againſt or to one Perſon only, not under the Seal,	7
Any other Paſs or Diſcharge, not under the Seal,	7
Search of a Record the firſt Year, *Nothing*.	
Every Search afterwards, be the Time of what length ſoever, if the Matter ſearched for be found,	15
Writing a Sheriff's Commiſſion, Bond, and Recording it,	153
Writ of *Poſſe Comitatus*,	76
A Writ of Diſcharge, (if any),	76
Writing and Recording a Commiſſion and *Dedimus Poteſtatem*, for every County Court,	211
Iſſuing and Filing every common Writ and Return,	12
Every *Subpœna* and Return,	20
Filing and Recording every Declaration, per ſide, accounting 15 Lines to a ſide, and 7 Words to a Line,	7
A Copy of the ſame at the ſame Rate, not to be charged unleſs required and delivered, per ſide,	7
Every Appearance entered,	5
Entry of an Imparlance,	4
A Continuance, or Reference,	4
Filing and Recording Plea, if not Special,	8
Special Plea, per ſide, as before,	7
Making up the Iſſue,	20
Rule to plead, or for Trial,	4
A *Venire facias* for Jurors,	16
A Copy of the Pannel,	4
Entring Pannel,	4
Entring every Verdict,	4
Entring and Signing Judgment,	25
A Copy of the Judgment,	16
A Tranſcript of the whole Proceedings per ſide, as before,	7
Filing a Bill of Coſt,	7
A Copy thereof, if demanded and delivered,	7
Iſſuing every Execution and filing the ſame and Return,	15
Filing and Recording every Demurrer, per ſide,	7
Habere facias Poſſeſſionem,	16
A Replevin,	12
A *Procedendo*,	16
A Writ of Reſtitution,	16
Drawing *Dedimus Poteſtatem*, to examine Evidences,	32
A *Habeas Corpus*,	22
An *Elegit*,	22
A Commiſſion of Re-ſurvey,	32
A *Certiorari*,	32
A Commiſſion of *Audita*,	32
A Writ of Diminution,	16
A Writ of Error to the County Court,	57
A *Scire facias* thereupon,	16
A *Superſedeas* thereupon,	16
Entring an Acknowledgment of Land in Court,	5

Recording

	lb *Tob.*
Recording a Conveyance per side as before,	7
Filing every Recognizance in Court,	12
Appearance of the Principal to every Recognizance,	7
Every Special Bail,	7
An Attachment, and *Scire facias*,	26
Discharging every Recognizance, with or without Security,	12
A Copy of every Recognizance,	13
Every *Venire facias*, or Warrant to apprehend a Criminal,	16
Appearance to every Indictment, or Verdict,	7
Every Respite and Continuance,	15
Every Order in Criminal Cases,	7
Every Indictment per side, as before,	7
A Copy of every Indictment, per side,	7
Filing Plea to the same,	8
Confession to every Indictment,	7
Allowance of a Writ of Error,	11
Every Indictment, after the first Name,	10
Rule of Tryal,	7
Recording the Verdict,	4
Entering Conviction, and signing Judgment,	25
A Writ of Execution thereupon,	36
A Writ of *Withernam*,	25
A Writ of *Estrepment*,	25
Scire facias on a Judgment, per side,	7
Scire facias against Special Bail, per side,	7
Scire facias against Security for Cost on a Recognizance, per side,	7
Swearing every Jury,	46
Swearing every Bailiff,	4
Every other Oath in Court,	4
Duces tecum per side, as before,	7
Affixing the Seal of the Court to the Copy of any Judgment, or a Transcript of any Judgment, or any Record, or Certificate,	12
Taking Security on Condemnation on Attachments,	6
A Writ of Re-restitution, per side,	7
Entering every Action agreed,	2
A Commission to examine Evidences, per side,	7
A *Scire facias* on a *Certiorari*, per side,	7
A *Scire facias* on *Audita Querela*, per side,	7
An Attachment on Non-compliance with the common Rule in Ejectment, per side,	7
A Provincial Commission and *Dedimus Potestatem*, per side,	7
A Summons in Partition, per side,	7
A Writ of Partition, per side,	7
An Attachment in Partition, per side,	7
A *Habere facias Seisinam*, per side,	7
A *Returno habendo*, per side,	7
A Writ of *Distringas*, per side,	7
A Commission of *Oyer and Terminer*, per side,	7
A Commission of Goal-Delivery, per side,	7
A *Dedimus Potestatem* to swear the Judges of Assize, or Sheriff, per side,	7
A Writ of Publication to the Laws,	12
Drawing a Protest and recording it, if not a special one,	102
Drawing any other Matter, as Public Notary, attested under the Seal,	32
If such Matter exceed one side, then per side,	7
Drawing every special Protest, per side,	7
And for every other Service, not herein mentioned, per side, and so *pro rato*,	7

CHAP. XVIII. Fees to the Secretary.

XC. COMMISSARY-GENERAL's Fees.

	lb *Tob.*
For every Entry of Demand for Administration, or Probate of Wills,	2
For every Order in Testamentary Causes,	7
For every Letter of Administration, or Letters Testamentary,	54
For every Bond,	25
For every Oath,	7
For a Warrant to Appraisers,	12
For a Warrant to swear them,	12
Every Commission to prove a Will, or pass Account, or take Administration,	54
Dedimus Potestatem to take an Answer, per side,	7
For recording Wills, Inventories, Accounts, or any other Matter; or copying the same out of the Commissary's Office; per side, computing 7 Words to a Line, and 15 Lines to a side,	7

Fees to the Commissary-General.

CHAP. XVIII.

Fees to the Commiſſary-General.

	lb Tob.
Filing Coſts,	7
Copy Coſts,	7
Recording Definitive Sentence, per ſide,	7
Executing Definitive Sentence, per ſide,	7
Drawing Definitive Sentence, per ſide,	7
Seal to Definitive Sentence,	224
Seal to Execution of Definitive Sentence,	112
Filing every Libel, Anſwer, Replication, Petition, *&c.*	19
Copy of every Libel, Anſwer, Replication, or Rejoinder, per ſide,	7
Drawing Depoſitions of Witneſſes, per ſide,	7
Filing Interrogatories,	19
Every common Citation,	9
Every ſpecial Citation, per ſide,	7
Every Attachment,	25
Attachment on Decree, per ſide,	7
Subpœna for Coſts,	10
Every Appearance,	7
Entry of every Return,	4
Quietus eſt,	*Nothing.*
For a Continuance or Reference,	4
For a Search of a Record the firſt Year,	*Nothing.*
Every Search afterwards, be the Time of what Length ſoever, if the Matter ſought for be found,	15
Exemplification of Letters Teſtamentary, or Adminiſtration under Seal,	38
Commiſſion or Proclamation of Rebellion,	64
Commiſſion to examine Evidences, and Commiſſion to Auditors,	25
Scire facias,	25
Duces tecum,	32
Entering every Motion in Court, and Order thereon,	5
If above one ſide, after the rate of, per ſide,	7
For tranſmitting Balance and Order,	11
For tranſmitting Sureties Names and Order,	11
For tranſmitting Diſtribution and Order, per ſide,	7
Entry of Prayer for Appeal,	4
Letters *De Bonis non*, per ſide,	7
And for every other Service not herein mentioned, per ſide; and ſo *pro rato*,	7

XCI. To the JUDGE or REGISTER of the Land-Office.

Fees to the Judge or Regiſter of the Land-Office.

	lb Tob.
For a common Warrant and Entry,	33
For renewing the ſame, and Entry,	33
For recording Certificates, per ſide, computing 105 Words to a ſide,	9
For making out a Grant,	90
For recording the ſame,	67
For every Petition, and Order thereon,	150
For a ſpecial Warrant, including Petition, and Order thereon,	375
For renewing every Special Warrant,	75
For every Deed or Aſſignment,	24
For Hearing and Sentence thereon,	75
For ſearching any Matter or Thing, the firſt Year,	*Nothing.*
For all Searches above one Year, be the Time of what Length ſoever, if the Matter ſearched for be found,	15
For all Copies per ſide, computed as before,	9
For every other Service not herein mentioned, per ſide, and ſo *pro rato*,	9

XCII. To the CLERKS of the COUNTY-COURTS.

Fees to the Clerks of the County Court.

	lb Tob.
Iſſuing a Writ and filing the ſame and Return,	9
Every Declaration, if a ſide, and ſo *pro rato*,	4½
A Copy of the ſame, if demanded, as before.	
Entering every Appearance, in any Suit, until Judgment or Diſcontinuance of ſuch Suit,	4
Every Imparlance,	2
Filing every Plea and Demurrer, if not a ſpecial one,	3
If a ſide or more, *pro rato*; if a Copy delivered, *pro rato*.	
Entering any Matter upon Record, if half a ſide,	2
If more, then *pro rato*, as before,	4½
A *Subpœna*,	6
Rule to Plead, or Tryal,	2
For making up the Iſſue,	6
Entering Judgment,	9
Signing Judgment,	5
A *Venire facias*, for a Jury,	6
Entering the Pannel,	2

Filing

	lb *Tob.*
Filing Bill of Cost,	5
Copy of the same, with the Articles at large, if delivered,	5
Issuing Execution and filing the same and Return,	9
For Special Bail,	3
A Writ of Enquiry of Damages, at per side, and so *pro rato*,	4½
For entering an Appeal,	4
A Return of a *Certiorari*, and Copy of the Record, per side,	4½
Entering a Writ of Error,	4
Every Oath,	3
Proving a Deed or Writing,	4
A Copy of the same, if required, per side,	4½
For entering every *Capias ad respondendum* in Cases where Bail or Security for Cost is ruled, upon Return of such Writ; or where a Declaration is sent with such Writ, and a *Cepi* returned thereon by the Sheriff, or short Notes sent and Judgment given for Attachment, or where the Sheriff is amerced for not bringing in the Defendant; but in no other Case; per side,	4½
For entering *Capias ad satisfaciendum*, where the Sheriff or Coroner, upon Return of the Writ is called to bring in the Defendant, and his Default is entered; or where the Defendant is committed in Execution; but in no other Case; per side,	4½
For entering *Fieri facias*, where the same is executed and Schedule returned, but in no other Case, per side,	4½
The same Fee in *Elegits*,	4½
Recording the Mark of Cattle or Hogs,	3
Taking and certifying Acknowledgments of Land in Court,	5
Recording a Conveyance of Land, per side,	4½
Allowance of *Habeas Corpus*,	4
For all Searches the first Year, *Nothing*.	
For all Searches above one Year be the Time of what Length soever, if the Matter searched for is found,	10
Every *Scire facias* at, per side, and so *pro rato*,	4½
Attachment and *Scire facias*,	18
Short Copy Judgment,	9
Habeas Corpus, and filing the same,	8
Elegit, and filing the same,	8
Taking and Recording Bonds for Orphans Estates,	16
Duces tecum,	8
Taking Security on Condemnation,	3
Entering Action agreed, struck off, or abated,	2
Commission to examine Evidences at, per side, and so *pro rato*,	4½

CHAP. XVIII. Fees to the Clerks of the County Courts.

Criminal Fees.

For taking every Recognizance, (with or without Security),	8
Discharging of Recognizance, with or without Security,	8
Issuing a *Venire facias*, or Warrant, and filing the same,	9
For every Appearance of the Person charged,	5
Every Respite and Continuance,	5
For every Order,	4
A Copy of Recognizance, with or without Security,	7
For every Indictment, per side,	5
A Copy of the Pannel,	2
For recording the Verdict and Appearance thereto,	9
Entering the Judgment,	14
Issuing Execution of the Judgment, and filing or recording the same,	12
A Copy of the Indictment, per side,	5
Entering a Plea,	5
Confession of Indictment,	5

Chancery Proceedings *in County Courts.*

Entering Motion and Order,	4
Entering and Signing Decree,	14
Filing Costs,	5
Copy Cost, with Articles at large, if delivered,	5
Affixing the Seal to any Transcript or Certificate,	5
And for every other Service not herein mentioned, per side, and so *pro rato*,	4½

CHAP. XVIII.

Allowances to the County Clerks for assisting at laying the Levies, and other Duties, 2000 lb Tobacco yearly.

XCIII. And be it Enacted, That the several County Justices, in their respective Counties, at the Time of assessing the County Levy, shall, and they are hereby impowered and directed to allow the Clerk of each respective County, the Sum of Two Thousand Pounds of Tobacco yearly, in their County Levies, in lieu of, and for full Satisfaction for Warrants to the Overseers of the Highways, Constables Warrants, taking and making Indentures of Orphans, assisting in laying and for apportioning the County Levy, and all other Services to be done for their respective Counties, and by Order of the Justices for the Time being: And all the respective County Clerks within this Province, for the Time being, shall, and they are hereby obliged to do all the said Services, and such others, for the Use of the respective Counties, as shall be required by the Justices of the Peace of each respective County, from Time to Time, and at all Times hereafter, for and in Consideration of the Allowance aforesaid.

XCIV. To the SHERIFF.

Fees to the Sheriff.

	lb Tob.
Serving Writ and taking Bail Bond,	26
Collecting the Public and County Dues, for every Hundred,	6
Collecting Officers Fees, for every Hundred,	6
For every Commitment and Releasement,	30
Impannelling a Jury,	90
Serving *Scire facias*, including the Person summoned,	22
Serving Citation,	22
Executing a Commission of Resurvey, per Day,	75
Impannelling a Jury,	180
Summoning Evidences to prove the Bounds of Land, for each Person summoned,	22
If impowered to swear Jury and Evidences, for every Oath,	9
Every *Non est inventus* returned,	7
Serving a *Subpœna*,	22
For keeping a Prisoner in Custody, and finding him Victuals, during the first Month's Imprisonment, per Day,	15
For every Day's Imprisonment and Victualling after the first Month, per Day,	7
Serving a Writ of Possession,	112
Serving an Ejectment,	75
For electing Burgesses, if a whole Election, and so *pro rato*, for one or more,	1125
Serving an Attachment of Contempt,	37
Serving Writ of *Estrepment*,	75
Serving *Ne exeat Provinciam*,	90
Serving a Copy of Declaration, or short Note,	4
Summoning Appraisers to value Goods taken by an Attachment, or *Fieri facias*, for each Appraiser summoned,	22
Swearing the said Appraisers, every Oath,	9
Serving an Attachment or Execution,	7
And if any Execution be for above One Hundred, and under Five Hundred Pounds of Tobacco,	37
If it exceed Five Hundred Pounds of Tobacco, then,	75
If it exceed One Thousand, then for the first Thousand,	75
And for every Thousand after the first,	37
Executing a Writ of *Ad quod Damnum*, or, *Melius inquirendum*, per Day,	75
Impannelling a Jury on the same,	180
Swearing the said Jury, for every Oath,	9
Taking an Inquisition, and returning the same with the said Writ,	75
Summoning Appraisers to value the Goods taken by a Replevin, for each Person summoned,	22
Swearing the said Appraisers, every Oath,	9
Serving a Writ of Re-restitution,	112
Impannelling a Jury to enquire of a forcible Entry or Detainer,	180
If impowered to swear the same, for every Oath,	9
For each Person summoned as an Evidence on the same,	22
For swearing the said Evidences, every Oath,	9
For summoning Chain-Carriers on any Occasion where required, each Person summoned,	22
For swearing the same, every Oath,	9
For an Arrest on a Warrant,	26
For serving *Duces tecum*,	26
Return on an Attachment,	7

For

For laying an Attachment in any Garnishee's Hands, for each Garnishee, 22
That for all Goods and Chattels which any Sheriff shall Attach, and take into his Possession, or wherewith he shall be chargeable, and which shall be Condemned, the same Fees allowed as on Executions.
Returning *Fieri facias*, or Replevin, each, 7
Then the same Fees allowed as upon Attachments, the same Fees allowed upon any Distress made for Rents, if the Goods Distrained are appraised and sold.
Returning Writ *Returno habendo*, 75
The same Fees allowed upon this as upon Executions or Attachments.
Returning Writ of *Distringas*, 75
The same Fees allowed upon this as upon Executions or Attachments,
For Return of an *Elegit*, Extent, or Writ of *Liberate*, 75
Impannelling Jury on the same, 180
For swearing the same, each, 9
The same Fees as allowed upon Attachments.
Serving Writ of Restitution, 112
Summons in Partition, every Person summoned, 22
Serving Writ of Partition, 75
Impannelling Jury thereon, 180
Swearing the Jury, each, 9
Attendance per Day, 75
Serving Attachment in Partition, 37
Returning Writ Enquiry of Damages, 75
Impannelling Jury thereon, 180
Swearing the same, each, 9
Attendance per Day, 75
Proclamation of Rebellion, 90
Serving Copy of Account, if not sent with the Declaration, 4
Serving *Withernam*, 75
And the same Fees allowed as upon Replevins.
Attendance per Day, when required on any Occasion, 75
And if any Execution be for Money, then the Sheriff to have at the Rate of Seven *per Centum* for the first Five Pounds, and Three *per Centum* for the Residue, in the same Specie the Execution is issued for.

CHAP. XVIII. Fees to the Sheriff.

XCV. To the SURVEYOR-GENERAL, and his Deputies.

	lb Tob.
For the Surveying of One Hundred Acres of Land, or under, per Acre,	¼
Any Quantity above One Hundred Acres, and under Two Hundred,	⅓
If between Two Hundred Acres and Five Hundred Acres, then for the first Two Hundred as before, and for all above One Hundred Acres,	⅙
Five Hundred Acres, as before, and for all above, per Hundred Acres,	7
For every Plat, allowing three Plats for every Survey; *That is to say*, One to the Patty, one to the Examiner-General, and the other to be entered upon the Surveyor's Book, for the First Hundred Acres, or under,	7
For all above the first Hundred Acres, per Hundred,	3
For Journey Fees, if the same be distant from the Surveyor's House Twenty Miles, or under,	30
If above Twenty Miles, and under Forty,	60
If above Forty Miles, and under Sixty,	90
And so *pro rato*.	
For every Certificate of Survey, be the Quantity more or less,	3
For the Resurvey of One Hundred and Forty Acres of Land, or under, made with a Circumferentor, Chain, and other necessary Instruments,	300
For Resurvey of any Quantity of Land above One Hundred and Forty Acres, the same Fees that are allowed upon primitive Surveys, computing the said One Hundred and Forty Acres as Part of the Survey.	

Fees to the Surveyor General and his Deputies.

XCVI. To the JUDGE of the Admiralty Court.

	lb Tob.
For every Sentence, or Condemnation Fee,	150
For Attesting all Depositions,	22
For every Stipulation made before him,	90
For every Day's Attendance,	187

Fees to the Judge of the Admiralty Court.

XCVII. To

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Fees to the Regiſter of the Admiralty.

XCVII. To the REGISTER of the Admiralty Court.

	lb	Tob.
For filing and recording every Libel, Petition, Anſwer, Depoſitions, or any other Matter, computing One Hundred and Five Words to a ſide, and ſo *pro rato*, per ſide,		8
For every other Matter entred in the Minutes, or on Record, per ſide,		8
For every Copy Libel, Petition, Anſwer, Depoſitions, or any other Matter, per ſide,		8
For every Writ under Seal, per ſide,		8
Filing Bill of Coſt,		9
For Copy Bill of Coſt,		9
For entering and ſigning Decree, or Judgment,		30
For ſwearing every Evidence in Court,		4
For Iſſue and Rule,		24
For drawing every Depoſition, per ſide,		8
And for every other Service not herein mentioned, per ſide, and ſo *pro rato*,		8

Fees to the Marſhal of the Admiralty.

XCVIII. To the MARSHAL of the Admiralty Court.

	lb	Tob.
For ſerving every Writ for ſeizing a Veſſel,		26
For ſerving every Writ againſt the Commander,		26
For *Subpœna*, every Witneſs,		22
For every Proclamation,		15
For ſerving every Writ of Attachment,		26
For every Veſſel acquitted,		60
For every *Non eſt inventus*, on Writ, or *Subpœna*,		7
For ſwearing every Evidence in Court,		9
For *Subpœna* Appraiſers,		45
For any other extraordinary Service, when obliged to travel from home, at the Rate of per Mile, beſides Ferriages and neceſſary Expences, to be allowed by the Judge, on Proof being made thereof,		2

Fees to the Examiner-General.

XCIX. To the EXAMINER-GENERAL,

	lb	Tob.
For examining every Certificate of one Hundred Acres, or under,		45
From one Hundred Acres to two Hundred Acres,		52
From two Hundred Acres to three Hundred Acres,		60
For every Hundred Acres above three Hundred Acres,		3
In the ſame Manner for every Tract in a Reſurvey for the Vacancy if any be added, and for the whole when reduced into one Tract.		

Fees to the Clerk of the Court of Appeals.

C. To the CLERK of the Court of Appeals.

	lb	Tob.
Recording every Writ of Error, *Scire facias*, and Return, per ſide, computing One Hundred and Five Words to a ſide; the like for recording a Tranſcript; the like Fees for recording of Errors, per ſide,		9
Entering and ſigning Judgment,		47
Filing a Bill of Coſt,		7
Copy of the ſame,		7
Filing Bill of Coſt from the Provincial, Chancery, or any other Court,		7
Writ of Diminution,		21
Writ of Poſſeſſion, or any other Execution,		20
Entering any Motion or Order, filing or recording any Bond in Court, entering any Petition, entering and drawing any Affidavit or Depoſition taken or returned into Court, Copy Errors, recording Proceedings tranſmitted from the Chancery Court, or copy the ſame, filing any Plea, Replication or Demurrer, or copy the ſame in Common Law Proceedings, Entry any Reference in Court, and copy the ſame, or copying any other Proceedings, per Side, and ſo *pro rato*,		9
Iſſue and Rule,		24
Affixing the Seal of the Court to any Copy of Proceedings or Exemplification,		131
And for all other Services, the ſame Fees as taken in the Secretary's Office.		

CI. The

CHAP. XVIII.

CI. The Clerk of every Court of Delegates, to have the same Fees that are allowed and limited by this Act to the Clerk of the Court of Appeals, and no more.

CII. To the CLERK of the COUNCIL.

Fees to the Clerk of the Council.

	lb Tob.
Every Petition in Council and Order in Favour of the Party,	150
Any Commission or other Instrument, prepared by the said Clerk to pass the Broad Seal, if for a Place of Profit,	150
Recording the same,	150
Every Sheriff's Commission,	300
Every Coroner's, Ranger's, Surveyor's Commission, or other Commission of Profit,	150
Recording any Matter in Council, per side, for any private Person, computing One Hundred and Five Words to a side,	9
Copy of any Matter or Thing from the Council Records, per side,	9
All Searches, to the Clerk of the Council the same Fees as are allowed to the Secretary,	15

CIII. CRYER's Fees in the PROVINCIAL COURT.

Fees to the Cryer of the Provincial Court.

	lb Tob.
Swearing every Jury,	108
Swearing every Witness,	9
Swearing the Bailiff,	9
Every Special Bail,	54
Every good Behaviour,	54
Clearing every Prisoner by Proclamation, if required,	60
Acquittal of every Prisoner,	60
Every Appeal from the County Court,	37
Every Writ of Error returned from the County Court,	37

CIV. CORONER's Fees.

Fees to the Coroner.

	lb Tob.
Viewing the Body of any Person or Persons murthered or slain, or otherwise dead by Misadventure, to be paid out of the Goods and Chattels of the Party so dead, if any there be; otherwise to be levied by the Commissioners of the County where such Accident shall happen,	187
Arresting or summoning any Sheriff sued or prosecuted in any Court, and for taking Security,	30
Arresting, summoning, or attaching any other Person or Persons, wherein the Sheriff is Plaintiff, such Fees as are allowed to be taken by the Sheriff in such Case, and no more.	

CV. CRYER's Fees in the COUNTY COURT.

Fees to the Cryer of the County Court.

	lb Tob.
Swearing every Jury,	36
Swearing every Bailiff,	4
Every Oath,	3
For Special Bail,	20
For good Behaviour,	20
Clearing every Prisoner by Proclamation or Acquittal,	30

Deputy Commissaries to pass Accounts of Estates, to the Amount of 150*l.*

CVI. **And whereas**, for Want of an Enlargement of the Jurisdiction of the several Deputy-Commissaries within this Province, and their being enabled to pass Accounts, where the Amount of the Estate exceeds the Sum of Fifty Pounds Current Money, many of the Inhabitants are put to great Inconveniencies and Expence, either by being obliged to repair to the Commissary-General for the passing of such Accounts, where the Estate as aforesaid exceeds the Sum of Fifty Pounds Current Money, or for obtaining special Commissions from the Commissary-General, directed to the several Deputy-Commissaries, enabling them so to do: For Prevention of which Evil, **Be it Enacted**, That the Deputy-Commissaries within this Province, in their respective Counties, shall be, and by virtue of this Act they are hereby authorized and impowered, to pass any Accounts of the Estates of deceased Persons, without any special Commission from the Commissary-General, where the

Without any special Commission.

CHAP. XVIII.

the Amount of the Inventory of ſuch Deceaſed's Eſtate does not exceed the Sum of One Hundred and Fifty Pounds Current Money.

No Fees on Pauper Eſtates, under 30*l.* to the Commiſſary-General.

CVII. **And whereas** Pauper Eſtates, by former Laws of this Province do not exceed Ten Pounds Current Money; **Be it alſo Enacted**, That during the Continuance of this Act, all Eſtates not exceeding Thirty Pounds Current Money, ſhall be deemed Pauper Eſtates; and that in ſuch Caſe, there ſhall be no larger or other Fees taken by any Deputy-Commiſſary, than is by a former [1] Act ſettled as to Pauper Eſtates not exceeding Ten Pounds, nor any Fees at all by the Commiſſary-General.

[1] 1715, *ch.* 39, §. 29.

Unneceſſary Motions, &c. not to be charged.

CVIII. **And** to prevent the Clerks and Regiſters of the ſeveral Courts within this Province from multiplying Fees, by entering unneceſſary Motions, Petitions and Orders; **Be it Enacted**, That in all Caſes civil and criminal, wherever any Motions are made, or Petitions tendered for any Order, no Entry ſhall be made of them, nor any Charge either for Motion, Petition, or Order, unleſs it ſhall be particularly required by ſome Party to the Matter, over and above the Sum allowed by this Act to be charged; and that then and in ſuch Caſe only, the Party at whoſe Requeſt ſuch Entry of Motion, Petition, or Order, ſhall be made, ſhall be charged therewith, and be liable therefor, in ſuch Manner as is by this Act directed; and that the adverſe Party ſhall not be liable for the Coſt of ſuch Entry of Motion, Petition, or Order, over and above the Sum allowed by this Act to be charged.

Exception.

Penalty on Officers charging greater Fees, than allowed by this Act.

CIX. **And be it further Enacted**, That no Officer or Officers, their Clerks, Miniſters or Servants, in this Act mentioned, ſhall charge any other or larger Fees than by this Act is limited and appointed, under any Pretence whatſoever, nor under any other Denomination than mentioned in this Act, unleſs the Conſent and Approbation of the General Aſſembly of this Province be firſt had and obtained. And if any Officer or Officers, their Servants, Miniſters, or Clerks, ſhall demand and take any other or larger Fee or Fees, than is herein before mentioned, that then and in ſuch Caſe, they forfeit and pay to the Party or Parties, from whom they ſhall demand and take ſuch extraordinary Fee or Fees, not only the Fee or Fees ſo charged or taken, but alſo the Sum of Five Thouſand Pounds of Tobacco, to be recovered in any Court of Record within this Province, by Action of Debt, Action on the Caſe, Indictment, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed. And in caſe the Party grieved doth not proſecute the Officer ſo offending, within Six Months from the Time of ſuch Offence committed, that then and in ſuch Caſe, any other Perſon may proſecute for the ſame.

Fine of Proſecution.

All Officers to take the following Oath.

CX. **And be it further Enacted**, That all Officers mentioned in this Act, who ſhall enjoy any the Offices aforeſaid, ſhall, on or before the laſt Day of *March*, which ſhall be in the Year Seventeen Hundred and Sixty-four, take the following Oath, before ſome Provincial or County Magiſtrate, who is hereby authorized and required to adminiſter the ſame, *viz.* "*You* A. B. *do* "*Swear, that you will well, faithfully, and impartially, to the beſt of your Skill* "*and Knowledge, execute your Office; and that you will not willingly or wittingly* "*charge, aſk, take, exact or demand, any other or larger Fees, for doing your* "*Duty in your Office, than is mentioned in the Act entitled,* An Act for amend- "ing the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, "and for the Limitation of Officers Fees, *now in Force.*" And as often as any Perſon or Perſons ſhall be appointed for ſaid Office or Offices, they ſhall take the ſaid Oath, prior to their receiving any of the Profits of any ſuch Office or Offices.

Oath.

CXI. **And be it further Enacted**, That Accounts of all Officers Fees in this Act mentioned, ſhall be made out and drawn in a fair and clear Manner, and

and in Words at length; and whenever any Person or Persons interested in them, or to whom the same shall be charged, shall desire a Copy of such Account, the several Officers shall, and are hereby required to give such Person so applying therefore, in as short a Time as may be convenient, an Account of such Charge in Words at length. And that all Under-Clerks and Deputies, writing in any the Offices aforesaid, or doing Service in them, shall by the Time aforesaid, or before they enter into any of the Services aforesaid, before some Provincial or County Magistrate (who is hereby authorized and required to administer the same), take the following Oath, under the Penalty of Five Thousand Pounds of Tobacco for every such Refusal or Neglect, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed, nor more than one Imparlance; the one Half to the Informer, or him or them that will sue for the same, and the other Half to the Use of the County where such Neglect or Refusal shall happen, towards defraying the Charge of carrying this Act into Execution, *viz.* "*You* A. B. "*do Swear, that you will not, for Lucre or Malice, delay any Person or Persons* "*applying to you for any Business belonging to the Office you officiate in; and that* "*you will not, directly or indirectly, ask, demand, take, or receive from, or charge* "*to, any such Person or Persons, to your own Use (except your Salary from your* "*Principal), any Fee or Reward whatsoever, for any Service you shall do as Clerk* "*of the said Office: And also, that in making out the Office Fees, you will not* "*wittingly or willingly charge other or higher Fees, than limited by the Act enti-* "*tled,* An Act for amending the Staple of Tobacco, for preventing Frauds in "his Majesty's Customs, and for the Limitation of Officers Fees." Which said Oaths beforementioned, shall be severally returned by the Magistrate before whom the same shall be taken, to the Provincial or County Offices, as the Case shall require, and be there entered on Record. And that all and every Person or Persons, claiming Right to any Fee or Fees, allowed by this Act, shall be obliged to set up and affix in the most public Place of his Office, a Table of Fees, to the Intent that all Persons concerned may have Recourse to the same.

CHAP. XVIII.

Accounts of Officers Fees, and Copies thereof, to be made out in Words at length.

Under-Clerks to be sworn.

Penalty for refusing to swear.

The Oath.

Oath to be recorded.

Table of Fees to be set up.

CXII. **And be it further Enacted**, That no Officer or Officers herein beforementioned, under the Penalty aforesaid, to be recovered as aforesaid, shall make or send out their Fees on Execution but once in every Year, and that between the First Day of *December*, and the Tenth Day of *January* yearly, during the Continuance of this Act. And that the Party or Parties charged, their Persons, Goods, or Chattels, shall not be executed for any of the aforesaid Fees, unless their Accounts be delivered them at or before the last Day of *February*, in any Year they shall be demanded.

Time of sending out Fees on Execution, annually.

Accounts to be delivered before the last of *February*.

CXIII. **And be it further Enacted**, That wherever any Deputy-Surveyor returns a Certificate or Certificates, for the Examination of the Examiner-General, and that the same shall be found erroneous, that in such Case, the Party for whose Use such Survey is made, shall not be burthened with double Fees, either by the Examiner-General or Deputy-Surveyor; but that the several Deputy-Surveyors shall pay the Examiner-General for any extraordinary Trouble they give him in re-examining, such Fees as by this Act is allowed to the Examiner-General.

Deputy-Surveyors making erroneous Returns shall pay the extra Fees.

CXIV. **And be it further Enacted**, That the several Inspectors shall be, and are hereby obliged, whenever they shall have inspected a Hogshead or Hogsheads of Tobacco, to case and nail up the same in good Order, and according to the true Intent and Meaning of this Act, immediately after inspecting the same.

Tobacco to be cased and nail'd, as soon as inspected.

CXV. **And be it further Enacted**, That it shall and may be lawful for any of the Sheriffs within this Province, and they are hereby directed and required

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Persons suspected of withdrawing themselves, or Effects, between the last of *February*, and 10th *June*, may be executed for public Dues.

at any Time, between the last Day of *February*, and the Tenth Day of *June* next following, on Notice being to them respectively given, that any or either of the Inhabitants of the respective Counties, who is indebted to them respectively, as aforesaid (for which an Account hath been before the said last Day of *February* delivered to, or left at the Dwelling-house of the said Party), that the said Party is about to withdraw him or herself, or his or her Effects, from the Place of his or her Residence, whereby the said Sheriff may be hindered from executing the same according to Law, that then and in such Case, it shall and may be lawful for the said Sheriff to apply himself to any Magistrate of the County, and on such Sheriff's Application to, and on Oath made by the said Sheriff, or some other credible Person, before the said Magistrate, that the Sheriff or such Person, "is informed and verily be-

Oath thereof to be made.

"lieves, that such Debtor is about to withdraw, or hath withdrawn, him "or herself, or his or her Effects, out of the said County, and thereby pre-"vent the said Sheriff from Executing such Debtor, or his or her Effects, for "the Tobacco or Money, so as aforesaid due to him;" which Oath shall be made in Writing, and left with the said Magistrate, and by him returned to the next County Court; and the said Magistrate shall then give the said Sheriff a Warrant from under his Hand and Seal, and thereby direct and impower the said Sheriff to levy the Tobacco or Money, so as aforesaid due to him, in the same Manner as he might do by this Act, after the Tenth Day of *June*; all which the said Sheriff shall do by virtue of his Office, without any Execution Fee. **Provided nevertheless,** and it is the true Intent and Meaning of this Act, That if any Debtor as aforesaid, absconding or about to abscond, will give such Sheriff good and sufficient Security, for the Payment of all such Public or County Levies, Parochial Charges, Officers or Lawyers Fees, at any Time before such Distress and Sale made, that then and in such Case, the Sheriff shall, and is hereby obliged to take the same.

But not to be executed if they give good Security.

Inspectors not to pass any Tobacco, between the last of *July*, and 1st of *November*, unless, &c.

CXVI. **And be it further Enacted,** That it shall not be lawful for any the said Inspector or Inspectors to inspect or pass any Hogshead or Parcel of Tobacco, at any Time between the last Day of *July*, and the first Day of *November* yearly, unless such Hogshead or Parcel of Tobacco be brought to, and left at, the said Inspection House, on or before the said last Day of *July* yearly, and that if any Inspector or Inspectors, shall presume to inspect or pass any Hogshead, or Parcel of Tobacco, between the said last Day of *July*, and the First Day of *November* yearly, he or they so offending, shall forfeit and pay One Hundred and Sixty Pounds of Tobacco, for every Hundred Pounds of Tobacco so by him or them inspected; to be recovered, if the same does not exceed the Sum of Sixteen Hundred Pounds of Tobacco, before any Magistrate in the County where the Offence shall be committed, as in Case of small Debts; and if the Penalty exceeds the said Sum of Sixteen Hundred Pounds of Tobacco, then to be recovered in the Court of the said County, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed; the One Half of all which Penalties shall be applied to the Use of the Informer, or such Person who shall sue for the same, and the other Half thereof to the several and respective Counties, to defray the Expence that may accrue in the due Execution of this Act.

Penalty, how to be recovered.

What Costs may be paid in Gold or Silver.

CXVII. **And be it further Enacted,** That where Plaintiff or Defendant in any Suit now commenced, or that shall hereafter be commenced, in any Court within this Province, in whose Favour any Judgment shall be given, so as to entitle such Plaintiff or Defendant to his or her Cost, and who shall pay the said Cost in Gold or Silver, as regulated by this Act, in all such Cases it shall and may be lawful for the Party against whom such Judgment shall be rendered, and he, or she, is hereby enabled to discharge all, or so much of the said Cost, in Gold or Silver as aforesaid, as shall be really and *bonâ fide* paid, by the Party in whose Favour such Judgment for Cost shall be given; any Law to the contrary in any wise notwithstanding.

CXVIII. And

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CXVIII. **And be it further Enacted**, That from and after the Eleventh Day of *December* next, *Jonas Green*, of the City of *Annapolis*, Printer, shall be allowed, by the several and respective County Courts, at the laying their County Levy, the Sum of Three Hundred and Twenty Pounds of Tobacco *per Annum*, for each Inspection respectively, for printing and delivering a sufficient Number of Books, Notes, and Manifests, for the Inspectors of each Inspection within their Counties respectively.

Allowance to the Printer for Books and Notes, 320 lb for each Inspection.

CXIX. **And whereas** there is not any Provision yet made for the delivering out of the Tobacco already inspected, or which may hereafter be inspected, in virtue of the Laws now in Being for the inspecting of Tobacco, and which shall remain in the Warehouses after the Expiration of the said Laws; **Be it therefore Enacted**, That the Inspectors of the several Warehouses, so established, wherein any Tobacco shall remain after the Expiration of the said Laws, (whether the same Houses be continued by this Act or not), or one of them respectively, shall and may deliver out such Tobacco for Exportation, after the Expiration of the said Laws, and that such Inspector and Inspectors, and all and every Master and Skipper of any Vessel, and other Person or Persons who shall be employed in the Transportation of such Tobacco, from the Warehouses, on board of any Ship or other Vessel for Exportation, shall be under the same Regulations, Restrictions, and Penalties, with respect to such Tobacco, as if the same Tobacco had been inspected in virtue of this Act, the Expiration of the said Laws notwithstanding.

Tobacco inspected under former Laws, may be exported under the Regulations of this Act.

CXX. **And be it further Enacted**, That in all Tobacco Payments, which shall or may be made, under or by direction of this Act, where a Liberty is given to pay in Gold or Silver, in lieu of Tobacco, and also in Payment of all Charges attending the Inspection, or Delivery out of Tobacco, and for all Penalties and Allowances mentioned in this Act, the following Species of Gold and Silver Coin, if offered or tendered, shall be accepted and received at the following Rates, Regulations, and Values, *viz.*

Tobacco Payments made under this Act in Gold or Silver:

	lb *Tob.*		lb *Tob.*
Johannes's, at	920	*Arabian* Chequins, at	108
Half Johannes's,	460	Other Gold Coin (*German* excepted) by the penny-weight,	50
Moidore,	348	*French* Silver Crowns,	60
English Guineas,	272	*Spanish* milled Pieces of Eight,	60
French Guineas,	268	Other good Coined *Spanish* Silver per Ounce,	68
Spanish Pistoles, not lighter than 4 *dwt.* 6 *gr.*	216		
French milled Pistoles,	212		

The Rate at which the Coins shall pass.

CXXI. **And be it further Enacted**, That all and every Person and Persons, who now are, or hereafter shall be, entitled to any Action or Actions, or who have any Action or Actions now depending, for the Breach of any of the Laws now in Being, *For amending the Staple of Tobacco*, shall have and be entitled to the full Benefit of such Action or Actions, and be at Liberty to prosecute the same hereafter, in the same Manner, and as fully and effectually to all Intents and Purposes, as if the said Acts were to be continued in full Force, the Expiration of the said Laws notwithstanding. **Provided**, That such Action or Actions be commenced within the Times limited by the said Laws.

Actions for the Breach of former Inspection Laws may be prosecuted.

CXXII. **And be it further Enacted**, That all Prosecutions now depending, in any of the Courts of this Province, for the Breach of any of the Laws aforesaid, shall be continued and carried on, and that any Person or Persons who have been, or shall hereafter be, guilty of a Breach of any of the said Laws, and who have not yet been prosecuted for the same, shall and may be prosecuted for all and every such Breach, and Breaches, in the same Manner, and as fully and effectually to all Intents and Purposes, as if the said

Prosecutions depending at the passing this Act, &c. may be carried on.

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said Acts were to be continued in full Force; the Expiration of the said Laws notwithstanding. **Provided**, That such Prosecution be commenced within the Time limited by the said Laws.

Vestry of *St. James*'s Parish to choose Inspectors for *Sprigg*'s Warehouse in *Allhallows* Parish.

CXXIII. And whereas the Warehouse appointed by this Act to be at the Head of a Creek, commonly called *Watkins*'s Creek, issuing out of *West* River, on the Land of *Thomas Sprigg*, in *Anne-Arundel* County, happens to be so situated, as that it stands in the outermost Bounds of *Allhallows* Parish, next adjoining to *St. James*'s Parish, wherein *Pig-Point* Warehouse stands, and as those Two Warehouses are, by this Act, to be under one and the same Inspection, and that there are Two other Warehouses already fixed in the said *Allhallows* Parish, it is thought reasonable by this General Assembly, that the Vestry-men and Church-wardens of only One of the said Parishes, should nominate and recommend, as by this Act is before directed, the Two Inspectors to be appointed to attend the said Warehouses on *Sprigg*'s Land, and *Pig-Point* aforesaid: **Be it therefore Enacted**, That the Vestry-men and Church-wardens of *St. James*'s Parish, for the Time being, shall be, and they are hereby impowered, to nominate and recommend Four able and sufficient Planters, well skilled in Tobacco, for the Execution of the Office of Inspectors, Two of which Persons, so nominated and recommended, shall be appointed Inspectors for the Warehouses last mentioned; any thing in this Act to the contrary notwithstanding.

Rent for the two Warehouses at *Kingston*, in *Talbot* County, how to be paid.

CXXIV. And whereas Two Warehouses are by this Act established at *Kingston*, in *Talbot* County, one on the Lot of *William Gale*, the other on the Lot of *William Wilson*, and forasmuch as it is the Intention of this Act, that the said House on *Wilson*'s Lot should be used for Storing Tobacco only, and the Owner thereof not burthened with the Expence of keeping Prizes for his said House, or a Wharf and Crane, at his Landing: **Be it therefore Enacted and Declared**, That One Third Part only of the Six Pounds of Tobacco per Hogshead, due for Rent on all Tobacco delivered out of the said Two Warehouses, shall be paid to the Owner of the House on *William Wilson*'s Lot, and the remaining Two Thirds to the Owner of the House on *William Gale*'s Lot.

Deputy Commissary not to charge any Fee for Advice, &c.

CXXV. And be it further Enacted, That no Deputy-Commissary within this Province, shall exact, extort, demand, take, accept, or receive, from any Person whatsoever, any Fee or Fees, Gratuity, Gift, or Reward, for giving his Advice in any Matter or Thing relative to his Office, or for procuring a Commission from the Commissary-General to pass any Account before him.

Their Fees for Stating Accounts.

CXXVI. And be it further Enacted, That no Deputy-Commissary shall exact, demand, take, or receive, any other Fee or Reward for drawing and stating all Accounts, than the Sum of One Pound and an Half of Tobacco for each Voucher produced and allowed in such Accounts, and no more.

In Pauper Estates.

CXXVII. And be it also further Enacted, That no Deputy-Commissary, shall charge more than the Sum of Fifty Pounds of Tobacco for passing the first Account of every Pauper Estate; or demand, exact or receive, any Fee or Reward, for passing any additional Account thereof.

Deduction in Tobacco Debts due before *May* 15th 1747.

CXXVIII. And be it further Enacted, That in case any Security hath been, or shall be taken, for the Payment of any Tobacco Debt contracted, or that became due before the Fifteenth Day of *May*, One Thousand Seven Hundred and Forty Seven, to be paid in inspected Tobacco, such Tobacco so secured to be paid as aforesaid, shall be liable and subject to an Abatement or Deduction of One Fourth Part. And if any Person or Persons shall be sued on any such Security, the Plaintiff shall or may, be examined and interrogated

ted by the Court wherein the Action shall be commenced, in the same manner as is above in this Act provided in such Cases, wherein any Security hath been, or shall be taken, for the Payment of Money instead of Tobacco. CHAP. XVIII.

CXXIX. **And be it further Enacted**, That the Inspector at *Plymouth* Warehouse, in *Dorchester* County, shall not be obliged to attend at the said Warehouse more than Three Days in a Week, between the First Day of *April* and the last Day of *July* yearly; and the Inspector at the Warehouse at *John Holland*'s on *Bohemia*, more than Three Days in each Week, at the said Warehouse, from the First Day of *April*, 'til the last Day of *July* yearly; and the Inspector at *Annapolis* Warehouse shall not be obliged to attend more than Three Days in each Week at the said Warehouse, between the First Day of *April*, and the last Day of *July* yearly; and at the Warehouse on *Hopewell*'s Land, in *St. Mary*'s County more than Four Days in each Week, at said Warehouse, between the First Day of *April* and the last Day of *July* yearly; and the Inspectors at *Chester-Town*, in *Kent* County, more than Four Days in each Week; the Inspectors at *Worton*, more than One Day in each Week; the Inspectors at *Langford*'s Bay, more than Two Days in each Week; the Inspectors at *Tovey*'s Warehouse, more than Two Days in each Week; the Inspector at the North-West Fork Warehouse, at the Bridge in *Dorchester* County, more than Three Days in a Week; the Inspector at *Broad* Creek more than Two Days in a Week; the Inspector at *Snow-Hill* Warehouse, and *Newport* Warehouse, in *Worcester* County, more than Four Days in a Week; the Inspectors at *Wells*'s Warehouse, *Charles Brown*'s Warehouse, and *Bridge-Town* Warehouse, in *Queen Anne*'s County, shall not be obliged to attend more than Four Days, *viz.* on Monday, Tuesday, Wednesday, and Thursday in every Week; and the Inspectors of *George-Town* and *Frederick-Town* Warehouses shall be obliged to attend on Mondays, Tuesdays, and Wednesdays at *George-Town*, and on Thursdays, Fridays, and Saturdays at *Frederick-Town*, in every Week, between the first Day of *April*, and the last Day of *July* yearly. Time of Inspectors Attendance at certain Warehouses.

CXXX. **And be it further Enacted**, That every Inspector and Inspectors, in any Inspection House within this Province, shall, and they are hereby obliged and directed, immediately after the Conclusion of the respective Inspections, and Prizing, yearly, carefully to take down the Scales, Ropes, and Blocks, belonging to the several and respective Houses, and lay up the same, with the Weights, carefully, in some Part of the respective Houses, and preserve the same from Damage; and if any Inspector or Inspectors shall neglect to take down and lay up the Blocks, Ropes, Scales, and Weights, as aforesaid, immediately after they have finished Prizing, shall forfeit and pay, to the Right Honourable the Lord Proprietary, to the Uses in this Act before directed, the Sum of Eight Hundred Pounds of Tobacco; to be recovered before One Magistrate of the County where such Offence shall be committed, One Half to the Informer, and the other Half to the Use of the County aforesaid, to be applied to defray the Charge of such County, accruing on the carrying this Act into due Execution. Inspectors to take Care of Weights, Ropes, Scales, &c. after finishing their Inspections, yearly. Penalty for Neglect.

CXXXI. **And** to prevent any Person or Persons whatsoever, from making Sale of trashy and unmerchantable Tobacco, **Be it further Enacted**, That from and after the First Day of *December* next ensuing, it shall not be lawful for any Person or Persons, on any Pretence whatsoever, to buy, barter for, purchase, or take into his, her, or their Possession, or to sell, or even offer to sale, either directly or indirectly, any trashy or unmerchantable Tobacco, either loose, or in Hands, in Bundle, Bulk, Parcel, Case, Hogshead, or other Package whatsoever, except such Tobacco as hath been heretofore lodged in any Inspecting House, (or House or Houses used by Inspectors) in pursuance of any former Law, under the Penalty of Four Pounds of Tobacco for every Pound of Tobacco so bought, bartered for, purchased, taken into his, her, or their Possession, sold, or offered to sale, as aforesaid, to be recovered, Penalty on either buying or selling Trashy Tobacco, how to be recovered,

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recovered, where the Penalty ſhall not exceed Six Hundred Pounds of Tobacco, before a ſingle Magiſtrate, as in caſe of ſmall Debts, and where ſuch Penalty ſhall exceed the ſaid Sum, then and in ſuch Caſe to be recovered in the County Court where ſuch Offence ſhall happen, or the Party reſides, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; one Moiety of ſuch Penalty to the Informer, or him, her, or them that ſhall ſue for the ſame, together with his, her, or their legal Allowance for Attendance as an Evidence, and the other Moiety to and for the Uſe of the County where ſuch Offence ſhall be committed, towards defraying the Charge of ſuch County, in the Execution of this Act; and where ſuch Penalty ſhall ariſe by Proſecution upon Indictment, if the Informer ſhall not upon Conviction, make his Claim (and which Claim when made, ſhall be entered upon the Clerk's Docket) to the Moiety in open Court, then and in ſuch Caſe, the Whole of ſuch Penalty ſhall be to and for the Uſe of the County where ſuch Offence ſhall be committed, to be applied towards defraying the Charge of Inſpection as aforeſaid.

and applied.

In what Caſe the whole ſhall go to the County.

Buyer or Seller, informing againſt the other, to be indemnified, &c.

CXXXII. **And** for the further diſcovering and puniſhing ſo pernicious a Practice, **Be it likewiſe Enacted**, That if either Parties, Offenders as aforeſaid, ſhall make ſuch Information againſt the other Party or Parties, ſo as aforeſaid offending, and ſhall proſecute ſuch other Party or Parties, ſo that he ſhe, or they, be of the Offences aforeſaid, or either of them, lawfully convict, to which Purpoſe, any or either of the Parties aforeſaid, are hereby **enacted and declared** to be good and ſufficient Evidence, ſuch Perſon, ſo as aforeſaid informing and proſecuting, ſhall not only be indemnified and ſaved harmleſs from any Proſecution for the ſaid Offence, but ſhall alſo be entitled to have and receive the ſame Rewards allowed as aforeſaid, and ſhall have and receive, as a further Encouragement, the further Sum of Two Pounds of Tobacco for every Pound of ſuch Tobacco, to his ſole and ſeparate Uſe, to be recovered, where the Penalty ſhall not exceed Six Hundred Pounds of Tobacco, before a ſingle Magiſtrate, as in caſe of ſmall Debts, to be made a Part of the Judgment of ſuch Magiſtrate, and where ſuch Penalty ſhall exceed the ſaid Sum, then and in ſuch Caſe, to be recovered in the County Court where ſuch Offence ſhall ſo happen, or the Party reſides, by Action of Debt, Bill, Plaint, Information, or Indictment, to his ſole and ſeparate Uſe, as aforeſaid, to be made a Part of the Judgment of the Court upon ſuch Conviction againſt ſuch Offender.

and rewarded.

Penalty how to be recovered.

Magiſtrates on Information of Traſhy Tobacco, may grant Warrant to ſearch and enter Places ſuſpected,

CXXXIII. **And be it further Enacted**, That as often as any Magiſtrate ſhall be informed, by any credible Perſon, on Oath, or Affirmation if a Quaker, that he ſuſpects, and verily believes, ſome traſhy or unmerchantable Tobacco is, or ſhall be, in any particular Tobacco-houſe, Store-houſe, Warehouſe, Barn, or other Out-houſe, Ship, or other Veſſel, Incloſure, or other Place whatſoever, it ſhall and may be lawful to and for ſuch Magiſtrate, and he is hereby authorized and required, immediately upon ſuch Information as aforeſaid, either to raiſe and compel Aſſiſtance, and to proceed himſelf, or by Warrant under his Hand and Seal, directed to ſuch Informer ſingly, or with Others jointly and ſeverally, or to any other Perſon or Perſons, jointly and ſeverally, thereby authorizing and directing him or them to compel Aſſiſtance, and to proceed forthwith to ſuch, or any other ſuch ſuſpected Place as aforeſaid, and there quietly enter it, (except ſuch Houſe or Place be on the Plantation where ſuch traſhy or unmerchantable Tobacco ſhall appear by the Oath, or Affirmation if a Quaker, of the Owner, or of any other credible Perſon, to have been made, or on ſome other Plantation belonging to ſuch Perſon who made ſuch Tobacco; and alſo except Inſpecting Houſes, and other Houſes uſed by Inſpectors, for the convenient carrying on and Execution of this Act,) if the Perſon having the Care of ſuch Place be preſent, and will immediately permit ſuch Entry; or if the Party having the Care of ſuch Place,

Place, be not then preſent, or being preſent, will not permit ſuch Entry, then to enter forcibly into ſuch, or any other ſuch ſuſpected Place, and there to ſearch for any ſuch Tobacco as aforeſaid, and the ſame being found, to take, remove and carry away, not only ſuch Tobacco as the ſaid Search is or ſhall be particularly made for, but alſo all ſuch traſhy or unmerchantable Tobacco as ſhall be then there found, to the next Inſpecting Houſe, by ſuch Officer or Officers aforeſaid; and in caſe neither of the Inſpectors attending that Houſe, ſhall happen to be preſent, then the ſaid Magiſtrate, or Warrant Officer or Officers, or one of them, ſhall be, and he or they, are hereby authorized and required, to ſummons one or both of the ſaid Inſpectors immediately to attend at ſuch Warehouſe, and it is hereby declared to be the Duty of ſuch Inſpectors or Inſpector immediately to attend upon ſuch Summons accordingly, and ſuch Inſpectors or Inſpector ſo attending, ſhall ſearch, view, and examine ſuch Tobacco, and if upon ſuch View, Search, and Examination, the ſaid Tobacco, or any conſiderable Proportion thereof, ſhall appear to him or them to be ſuch as he or they are by this Act required and obliged as Inſpectors to paſs, that then the ſame, or ſuch Part thereof, ſhall be by him or them, in all reſpects treated, dealt with, and managed, as other Tobacco by them paſſed, is by this Act directed; the Party owning or claiming ſuch Tobacco, paying or allowing to the Warrant Officer or Officers, after the Rate of Eight Pounds of Tobacco for every Hundred Pounds of ſuch Tobacco as ſhall as aforeſaid paſs Inſpection, for carrying the ſame to ſuch Inſpecting Houſe, which Rate or Proportion the Inſpectors are hereby authorized and required to demand and receive of the Perſon who claims ſuch Tobacco, before they permit the ſame to be taken out of the Inſpecting Houſe, and which Rate or Proportion, after the Receipt thereof as aforeſaid, ſhall be by the ſaid Inſpectors paid to ſuch Warrant Officer or Officers, or his or their Order, upon Demand; and in caſe ſuch Tobacco, or any Part thereof as aforeſaid, upon ſuch View and Examination as aforeſaid, ſhall not by ſuch Inſpectors or Inſpector be paſſed, then ſuch Tobacco, or ſuch Part thereof as ſhall not paſs Inſpection as aforeſaid, ſhall by ſuch Inſpectors or Inſpector, after being by him or them weighed, be immediately burnt; and the ſaid Warrant Officer or Officers, ſhall have and receive as a Reward for his or their Diligence, in the Execution of this Clauſe of this preſent Act, after the Rate of Eight Pounds of Tobacco for every Hundred Pounds of Tobacco, which ſhall be ſo taken and burnt as aforeſaid, to be recovered either againſt the Perſon Owner of the ſaid Houſe, Veſſel, or other Place, knowing the ſaid Tobacco to have been there, or againſt the Perſon owning ſuch Tobacco at the Time of ſuch Seizure by Warrant, before a ſingle Magiſtrate out of Court, with full Coſts, and to be levied by Way of Execution againſt the Perſon, Goods, or Chattels of the Party ſo offending, by the like Authority.

and on Refuſal, forcibly enter, &c.

The Tobacco found, to be carried to a Warehouſe, and there inſpected, and, if good, to be paſſed.

Allowance to the Warrant Officer for Carriage;

if bad, to be weighed and burnt.

Reward to the Warrant Officer.

CXXXIV. And be it likewiſe Enacted, That where any Perſon or Perſons whatſoever, ſhall diſcover under Carriage, any traſhy or unmerchantable Tobacco, he or they ſo diſcovering, ſhall be, and they are hereby authorized and required, to ſtop and ſeize ſuch traſhy or unmerchantable Tobacco, then and there found, and the ſame ſhall convey, or ſhall direct and require the Party or Parties ſo carrying the ſame as aforeſaid, to carry ſuch Tobacco to the next, or any other convenient Inſpecting Houſe, and that ſuch Party or Parties refuſing to carry the ſame, ſhall forfeit and pay, after the Rate of Four Hundred Pounds of Tobacco for every Hundred Weight of ſuch Tobacco, upon every ſuch Refuſal, to be recovered as the Caſe as aforeſaid may require, before a ſingle Magiſtrate, or in the County Court by Action of Debt, Preſentment, or Information; the one Half whereof to him or them that ſhall ſue or inform concerning the ſame, and the other Half to the Uſe of the County where ſuch Offence ſhall be commited, to be applied towards defraying the Charge of Inſpection as aforeſaid; and in caſe neither of the Inſpectors attending that Houſe, ſhall happen to be preſent, then the ſaid Perſon ſtopping and ſeizing the ſaid Tobacco, is hereby directed to Summons one or

Traſhy Tobacco under Carriage may be Seiz'd and carried to an Inſpecting Houſe.

Penalty on the Party refuſing to carry the ſame.

The Tobacco to be inſpected, &c.

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and the Perſon Seizing the ſame ſhall apply to a Magiſtrate, &c.

or both of the Inſpectors, immediately to attend at ſuch Warehouſe, to receive and ſecure the ſame, and the Inſpector or Inſpectors ſo attending, ſhall ſearch, view, and examine the ſame, and proceed in ſuch caſe in like Manner, as he or they are directed with regard to traſhy or unmerchantable Tobacco which ſhall be found in any Tobacco-houſe, Store-houſe, Warehouſe, Barn, or other Out-houſe, Ship or other Veſſel, Incloſure, or other Place whatſoever, not burthening the Party who carries the ſame, or the Owner thereof, with any Charge for Carriage, and then after ſuch Inſpection made as aforeſaid, the Perſon or Perſons ſo ſtopping and ſeizing ſuch Tobacco, ſhall immediately repair to ſome Magiſtrate and inform him, that he hath ſeized and ſecured ſuch Tobacco in manner aforeſaid, and the Magiſtrate ſhall, and he is hereby authorized and required to proceed therein, with reſpect to the Fining or Binding over (as the Caſe ſhall require) ſuch Offender or Offenders and he, ſhe or they ſo offending, ſhall be liable to the ſame Penalties, and be under the ſame Mode of Proſecution for the Recovery thereof, as is before directed by this Act.

Proviſo, as to Tobacco under Carriage going to an Inſpecting Houſe.

CXXXV. **Provided always**, That in all Caſes where any ſuch Tobacco under Carriage, ſhall be ſeized and carried to any Inſpection Houſe as aforeſaid, if the Perſon or Perſons carrying or claiming the ſame, ſhall Prove by his, her, or their own Oath, or Affirmation if a Quaker, or the Oath or Oaths, or Affirmation if a Quaker, of any other credible Perſon, which Oath, or Affirmation, any Magiſtrate is hereby authorized and required to adminiſter, that ſuch Tobacco ſo taken under Carriage, was at ſuch Time carrying to be inſpected at ſome Inſpecting Houſe agreeable to the directions of this Act, ſuch Proof ſhall exempt the Perſon ſo carrying, or Owner or Claimer of ſuch Tobacco, from the Penalties, other than the Loſs and Burning of ſuch traſhy Tobacco.

Such Tobacco not to be removed after Seizure, or Reſcued.

Penalty.

CXXXVI. **And be it further Enacted**, That if any Perſon or Perſons ſhall Remove any Tobacco which ſhall be ſtopped or ſeized as aforeſaid, other than ſuch Perſon or Perſons who ſhall ſo Seize the ſame, or ſome other by his or their Order, or who ſhall reſcue, or attempt to reſcue, any Tobacco which ſhall be ſo ſtopped and ſeized as aforeſaid, ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay Two Thouſand Four Hundred Pounds of Tobacco for every Hogſhead or Parcel of Tobacco ſo removed, reſcued, or attempted to be reſcued, as aforeſaid, to be recovered in the Court of the County where ſuch Offence ſhall be committed, or the Party or Parties reſide, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed, for the Uſe of the Perſon or Perſons making ſuch Seizures as aforeſaid.

Perſons Sued for any thing done by virtue of this Act, may plead the General Iſſue, &c.

CXXXVII. **And be it further Enacted**, That if any Perſon or Perſons ſhall be Sued, Proſecuted, or Impleaded, for any Matter or Thing by him, her, or them done, purſuant to and in execution of this Act, ſuch Perſon or Perſons ſo Sued, Proſecuted, or Impleaded, ſhall be at Liberty to plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, and if the Plaintiff or Informer ſhall be Non-ſuit, diſcontinue his Suit, or a Verdict be had againſt him, then, and in either of theſe Caſes, the Defendant or Defendants ſhall not only be acquit thereof, but ſhall by Judgment recover againſt ſuch Plaintiff or Informer treble Coſts.

Informations to be made in 3 Months.

CXXXVIII. **Provided always, and it is hereby Enacted and Declared**, That every Information to be made in purſuance of this Act, ſhall be made within Three Months next after the Offence committed, and not after.

CXXXIX. **And be it further Enacted**, That no Maſter or Commander of any Ship or other Veſſel, taking Tobacco on Freight, ſhall remove or tranſport any Freight-Tobacco from any Warehouſe, in order to be put on board his Ship

Ship or Vessel, in any open Boat or undecked Vessel, without such good and sufficient Covering as will secure such Tobacco against Rain, under Penalty of Sixteen Hundred Pounds of Tobacco for every Offence, to be recovered in any Court of Record in this Province, by Action of Debt, Bill of Indictment, or Information, one Half thereof to the Informer, the other Half to the defraying the Charges of putting this Law in Execution. CHAP. XVIII.

Freight-Tobacco not to be carried in open Boats, without Covering.

CXL. **And whereas** the Inhabitants of *Frederick* County, above *Connegocheague* Creek, are Farmers, and are so far distant from any Justice of the Peace, that the Trouble and Charge attending the making Oath, or Affirmation, as to their not being Tobacco-makers, as herein before directed, lays them under unreasonable Hardships, in obtaining the Benefit intended them by this Act, in paying Money in lieu of Tobacco: **Be it therefore Enacted**, That the said Inhabitants in *Frederick* County, above *Connegocheague* Creek, shall, and may, make the Oath or Affirmation aforesaid, before either a Justice of the Peace of the said County, or the Sheriff, or any of his Deputies, a Certificate of the making of which Oath or Affirmation, signed both by the Person taking, and the Person making the same, being delivered to the Sheriff or his Deputy, such Sheriff or Deputy shall give a Receipt for the same, to the Person making such Oath or Affirmation.

Farmers in *Frederick* County, above *Connegocheague*, may Swear before a Sheriff, &c.

CXLI. **And whereas**, in many Places Warehouse Room is much wanted, and Wharfs, Cranes, and other Conveniencies required by Law to be Provided, are either not built, erected and found, or are much out of repair; **Be it therefore Enacted**, That the Justices and Inspectors of each respective County, shall meet at the Court House of such County, on the Second Tuesday of *December* yearly, if fair Weather (if not, on the next fair Day) under the Penalty of Eight Hundred Pounds of Tobacco each, at which said Meeting it shall be determined by a majority of the Justices then present, upon the best Information they can get, from the said Inspectors, and otherwise, what Buildings, Additions, or Repairs, Wharfs, Cranes, or other Conveniencies required by this Act, are wanting at each respective Warehouse; and the said Justices shall appoint Two Justices most convenient to each Warehouse, not being Proprietor or Proprietors to such Warehouse, to agree and contract for such Buildings, Additions, Repairs, Wharfs, Cranes, and other Conveniencies, as shall be determined to be wanting as aforesaid; and the said Two Justices shall, within five Days after such Appointment, give Notice to the Proprietor or Proprietors of each Warehouse concerning which they are appointed to Contract, or his, or their Agent, to meet them at some convenient Place, by them in such Notice to be appointed, at a Time not exceeding ten Days from the Date of such Notice, at which Meeting the said two Justices shall inform the said Proprietor or Proprietors, or his or their Agent, what is required of him or them, according to the Determination of the Justices aforesaid. And if the said Proprietor or Proprietors will not immediately enter into Bond to the Lord Proprietary, in such Penalty as the said Justices shall think proper, not exceeding Thirty-two Thousand Pounds of Tobacco, to do what is required as aforesaid, by the last of *April* next ensuing the Date of such Bond at fartheſt, or if after such Bond given, such Proprietor or Proprietors shall not compleat every Thing therein specified, according to the Tenor thereof, in either Case the said Justices shall forthwith agree in the best Manner they can, with some other Person or Persons, for the doing what is determined as aforesaid to be necessary, or may be unfinished as aforesaid, and shall take a Bond for Performance of such their Agreement. And in Case one of the two Justices aforesaid should die, or be removed, the other shall have as full Power to act, as if such Death or Removal had not happened:

Justices and Inspectors to meet yearly on the 2d Tuesday of *December*, to enquire about and provide for Necessaries at the several Inspection Houses.

Two Justices to be appointed, with Power of contracting, &c. in Case the Owner refuse.

Bonds for Performance of Contracts to be taken by the Justices:

CXLII. **And be it Enacted**, That all Bonds taken by the Justices in pursuance of this Act, shall by them be lodged with the Clerk of the respective County (to be by him safely kept) within Twenty Days after the taking thereof.

To be lodged with the County Clerk in 20 Days.

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Penalty on Juſtices for Neglect.

CXLIII. And be it Enacted, That if any Juſtice of the Peace ſhall omit or neglect the Duty enjoined and required of him, as to the making the Contracts, or taking or lodging the Bonds aforeſaid, he ſhall forfeit and pay the Sum of Eight Hundred Pounds of Tobacco, to be recovered and applied as aforeſaid.

Money aſſeſſed to be repaid by Rent of the Houſe.

CXLIV. And be it Enacted, That whatever Sum or Sums the Juſtices aforeſaid may contract for as aforeſaid, ſhall be aſſeſſed and allowed in the next County Levy after the Performance of ſuch Contract, and ſhall be deducted out of the Tobacco and Money ariſing due for the Rent of the Houſe, for which ſuch Sum or Sums were paid, until the County ſhall be reimburſed.

Juſtices to have Power any Time of the Year to regulate about Repairs, &c.

CXLV. And be it further Enacted, That the Juſtices of each reſpective County ſhall, and are hereby directed to have a full ſubſiſting and continuing Power, at all other Times of the Year, to put in Execution ſo much of this Act as relates to Building, Enlarging and Repairing public Warehouſes, and to regulate all Matters concerning the ſame, and to direct the Building, Enlarging and Repairing any Warehouſes, Wharfs, Prizes, Cranes, and other Conveniencies, from Time to Time, as to them ſhall ſeem neceſſary and expedient; and in Caſe where the Proprietor, Guardian, Huſband, or Attorney of, or any other Perſon concerned in any Warehouſe, ſhall refuſe or neglect to make ſuch Buildings, Additions, Repairs, or other neceſſary Conveniencies as ſhall or may be wanting, at any other Times of the Year, and ſuch as the ſaid Juſtices ſhall direct, it ſhall and may be lawful for the ſaid Juſtices, and they are hereby required to have the ſame done, at the Expence of the County, and the Juſtices of each County, ſhall receive ſo much of the Rent of the ſaid Warehouſe of the Inſpectors, as will reimburſe the County the Charges of ſuch Buildings, Additions, and Repairs. And if upon Application of the Inſpectors to the Juſtices aforeſaid, for Building, Enlarging or Repairing any Warehouſes, Wharfs, Prizes, Cranes, and other Conveniencies, ſuch Juſtices ſhall refuſe or delay to do their Duty therein, every Juſtice ſo neglecting or refuſing, ſhall forfeit Eight Hundred Pounds of Tobacco, to be recovered in the County Court with Coſts, by Action of Debt, or Information, in the Name of the reſpective Inſpector or Inſpectors, and to be applied to the Uſe of ſuch Warehouſe or Warehouſes.

Penalty on Juſtices neglecting their Duty when applied to by the Inſpectors.

New Inſpectors ſhall deliver Two Liſts (with Receipts) of Tobacco left in the Warehouſe by the old Inſpectors;

CXLVI. And be it further Enacted, That when and as often as a new Inſpector or Inſpectors ſhall be elected and choſen, in the Room and Stead of the Inſpector or Inſpectors, who ſerved at the ſame Warehouſe the preceding Year, that the ſaid new Inſpector or Inſpectors ſhall, within Ten Days after he or they ſhall be qualified to ſerve, as an Inſpector or Inſpectors, according to the Directions in this Act, make out Two Liſts of all Hogſheads of Tobacco then in the ſame Warehouſe being, (which Tobacco the old Inſpector or Inſpectors are hereby obliged and directed to deliver) well Nailed, Lined, and fit for Shipping, (to the New Inſpector or Inſpectors) deſcribing the Marks, Numbers, Groſs, Tare, and Nett Weight, ſtamped and marked thereon, and ſign a Receipt at the Foot of each Liſt, of ſuch Hogſheads received from the old Inſpector or Inſpectors, which Liſts ſo as aforeſaid given, with the Receipts thereto ſigned, ſhall be delivered to the old Inſpector or Inſpectors, the one of which Liſts ſhall be by him or them lodged with the Clerk of the County, to be by him kept in his Office, under the Penalty of Eight Thouſand Pounds of Tobacco to each Inſpector neglecting to make ſuch Liſts; and the ſame Penalty on the old Inſpector or Inſpectors, who ſhall neglect to lodge the ſame with the County Clerk, to be recovered and applied as herein before directed; and the new Inſpector or Inſpectors is, and are hereby declared to be, anſwerable to the Owners of any Notes mentioned and deſcribed in ſuch Liſts, ſo far as to produce the ſame Hogſhead or Hogſheads of Tobacco belonging to any Owner; and likewiſe that the ſaid new Inſpector or

one of which to be lodged with the County-Clerk.

Penalty for Neglect.

New Inſpectors to be anſwerable for the Tobacco, and for Damage thro' Negligence.

or Inſpectors ſhall be liable for, and anſwerable to, the old Inſpector or Inſpectors, for all Damage that ſhall happen to ſuch Tobacco mentioned in the Liſts aforeſaid, through his or their Negligence, during the Time of his or their ſerving as Inſpector or Inſpectors.

Penalty on Inſpectors where a Warehouſe is burnt thro' their Negligence.

CXLVII. **And** to the End that Inſpectors may be more careful of the Fire they may have Occaſion for at the Warehouſes, to Brand the Tobacco, **Be it Enacted**, That if any Warehouſe in this Province, ſhall be hereafter Burnt, and it can be made appear to have happened by the Negligence of the Inſpector or Inſpectors belonging to ſuch Warehouſe, ſuch Inſpector or Inſpectors ſhall forfeit and pay Sixteen Thouſand Pounds of Tobacco each, to be recovered and applied as aforeſaid.

An Acre of Land to be laid out for the Uſe of the Public, adjoining to *Emerſon*'s Warehouſe in *Talbot* County.

CXLVIII. **And whereas** no Land has ever been yet ſurveyed or laid out, at the late *Emerſon*'s, now *Maxwell*'s Warehouſe, in *Talbot* County, for the Uſe of the Public, **Be it therefore Enacted**, That the ſame Juſtices who ſhall be appointed, as herein before directed, to contract for repairing the ſaid Warehouſe, ſhall within One Month after ſuch Appointment, give Notice to the Surveyor of the County, or ſome other Surveyor, ſufficiently qualified, to meet them at the ſaid Warehouſe, at a Time not leſs than Five, nor more than Ten, Days after ſuch Notice given; and the ſaid Surveyor ſhall then Survey and Lay out One Acre of Land, for the Uſe of the Public, adjoining to the ſaid Warehouſe, in ſuch Manner as the ſaid Juſtices ſhall direct, not including the Store-houſe, or Salt-houſe, near the ſame, or going nearer to them than the public Utility may require, Bounding the ſame at each Corner by a good Locuſt Poſt, well fixed in the Ground; and ſhall within a Month after making the ſaid Survey, return one fair Plat and Certificate thereof to the Clerk of the County, to be by him carefully kept, and another to the Proprietor of the Land, or his Agent; for all which Services, the ſaid Surveyor ſhall be allowed at the next laying of the Levy, for the ſaid County, the Sum of One Hundred Pounds of Tobacco, and no more: And each Juſtice the Sum of Sixty-four Pounds of Tobacco, and no more. And if either of the ſaid Juſtices, or the Surveyor, ſhall neglect his Duty herein, he ſhall forfeit and pay the Sum of Eight Hundred Pounds of Tobacco, to be recovered and applied as aforeſaid.

Allowance to Juſtices and Inſpectors, for extraordinary Attendances.

CXLIX. **And be it Enacted**, That every Juſtice who ſhall meet at their reſpective Court-Houſes, and every Juſtice who ſhall be Appointed and Attend in order to agree as aforeſaid, or to Try and Adjuſt the Weights as aforeſaid, ſhall be allowed the Sum of Sixty-four Pounds of Tobacco, for every Day he ſhall neceſſarily attend in conſequence of ſuch Appointments, in the next County Levy; and every Inſpector who ſhall meet and attend the Juſtices aforeſaid at the Court-Houſe, ſhall be allowed Thirty-two Pounds of Tobacco per Day, in the next County Levy, for his Attendance.

Liſts of Tobacco inſpected above 3 Years to be returned to *Auguſt* Court, and to be ſold for the Uſe of the County.

CL. **And whereas** it is repreſented to this General Aſſembly, that there are in divers Warehouſes in this Province, ſeveral Hogſheads of old Tobacco remaining in the Way of the Inſpectors, and have been lying there for many Years paſt, and no Owners appear to claim the ſame: To remedy which Inconvenience for the future, **Be it Enacted**, That the Inſpector or Inſpectors of the ſeveral Warehouſes, ſhall, and are hereby obliged and required, on the firſt Day of every *Auguſt* Court, during the continuance of this Act, to return to the ſaid Court a diſtinct and fair Liſt of the Marks, Numbers, Tare, and Nett Branded Weights of every Hogſhead of Tobacco, then in their ſeveral Warehouſes reſpectively, that have been Inſpected above Three Years, to be lodged with the Clerk of the County; and the Juſtices are hereby required to cauſe a Copy of the ſaid Liſt to be immediately ſet up at the Court-Houſe Door, advertiſing the Tobacco therein mentioned, to be Sold on the third Day of the ſaid Court, if fair Weather, and if not, the next fair Day, and

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shall cause the same to be sold at the Time aforesaid, at Public Vendue, in single Hogsheads, and the Produce thereof shall be applied to the defraying the County Charge. And whenever thereafter the Owner or Owners of such Tobacco, shall claim the same, or any Part thereof, and make his, her, or their Property appear, to the satisfaction of the said Justices, then the said Justices shall assess, in the next County Levy, such Sum as such Tobacco Sold for, for the Use of the said Owner or Owners.

Owners proving Property to be reimbursed.

Proviso, as to Owners of old Tobacco giving Notice, &c.

CLI. **Provided always**, That if any Owner or Owners of any Hogshead or Hogsheads of Tobacco, which shall be returned in such List, shall, within Two Months next before the said Court of Sale, give Notice in Writing to the Inspector or Inspectors of the Warehouse in which such Tobacco lies, of their being Owner or Owners thereof, describing in the said Notice the Mark, Number and Nett Weight of such Tobacco, and that they are unwilling the same should be Sold, such Notice or Notices shall be by the said Inspector or Inspectors, returned and lodged with the said List, and such Tobacco shall be marked, *Not to be Sold*, in the Copy before directed to be set up, nor shall the same be sold; any thing herein before contained to the contrary notwithstanding.

Old Tobacco so Listed not a legal Tender.

CLII. **And provided also**, That no old Tobacco Listed as aforesaid, shall, after it is so Listed, be deemed, taken, or allowed to be a legal Tender in any Tobacco Payment whatever; any thing herein contained to the contrary notwithstanding.

Duration.

CLIII. This Act to continue until the first Day of *December* which shall be in the Year of our Lord, One Thousand Seven Hundred and Sixty-six, and no longer.

CHAP. XIX.

Passed 21st *Nov.* 1763.

An Act for the Adjournment of Prince-George's *County Court. Lib.* H.S. *fol.* 507. *OBS.*

Viz. From the 4th Tuesday in *November*, to the 3d Tuesday in *December*.

CHAP. XX.

Ditto.

An ACT to enable the Rector, Vestry-men, and Church-wardens of the Parish of *St. Margaret's Westminster*, in *Anne-Arundel* County, for the Time being, to sell a Tract of Land therein mentioned, and to apply the Produce Money arising by such Sale, towards the Purchase of another Piece of Land to be made a Glebe, for the Use of the Incumbent of that Parish, and his Successors. *Lib.* H.S. *fol.* 507.

N. B. By this Act, (1.) The Vestry-men and Church-wardens of the said Parish, are enabled to sell and convey in Fee-simple, a Tract or Parcel of Glebe-Land (originally granted to a certain *William Fuller* for 150 Acres, and now commonly called *Whitehall*) to the highest Bidder, not under 300*l.* Sterling for the aforesaid Tract, within 12 Months from the End of this present Session, at public Vendue, giving Two Months Notice of the said Sale, in the *MARYLAND* GAZETTE: And to apply the produce Money towards the purchase of another Piece of Land, lying in some more centrical Part of the said Parish, to be made over to the Vestry-men and Church-wardens aforesaid, in Trust, and for the Use and Benefit of the Incumbent of the said Parish, and his Successors for ever. (2.) In case the said Vestry-men, &c. shall not, in Six Months after such Sale, be able to purchase some other Tract more Centrical, as before directed; then, they shall Place the Money (arising from such Sale) out to Interest, upon good Security: Which Interest shall be yearly paid to the Rector or Incumbent for the Time being, until the Purchase as aforesaid can be made; which it is hereby declared to be the Duty of the said Vestry-men, &c. to make, as soon as they possibly can, to the Advantage and Convenience hereby intended, &c.

CHAP. XXI.

Ditto.

An ACT for the speedy Recovery of Small Debts out of Court, before one Justice of the Peace. *Lib.* H.S. *fol.* 509.

Preamble.

WHEREAS the Recovery of small Debts before one Justice of the Peace, out of Court, has been found a great Satisfaction and Ease to the good People of this Province, and that the Jurisdiction of one

one Justice of the Peace, by the Law heretofore made, is not sufficiently extended to suit their Conveniency and Benefit: It is therefore humbly prayed that it may be Enacted; CHAP. XXI.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That in all Cases where the real Debt, or Damage, doth not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money, it shall and may be lawful for any one Justice of the Peace, of each respective County wherein the Debtor doth reside, to try, hear, and determine the Matter of Controversy, between the Creditor and Debtor, and upon full Hearing of the Allegations and Evidences of both Parties, shall give Judgment according to the Equity and Right of the Matter, and if Need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered to carry the Person so committed, to the Sheriff of the County, together with a Certificate or Mittimus from such Justice, wherein shall be certified the Debt and Cost whereof such Person shall be convict, by him to be safely kept, until Satisfaction, or other End thereof; or otherwise, that such Justice, or any other Justice of the Peace for the same County, shall, within Twelve Months from the Time of the Rendition of said Judgment, award Execution thereon (directed to the Sheriff of the County) by Warrant or Mittimus, in the Nature of a *Capias ad satisfaciendum*, *Fieri facias*, or otherwise, and that in Case upon the Return of any Warrant, or any Complaint issued by any such Justice, it shall appear that the Person against whom the same shall issue, is not to be found, it shall and may be lawful for the Creditor to proceed, in the several and respective County Courts, for obtaining an Attachment, according to the Directions of the Act for issuing out Attachments in this Province, and limiting the Extent of them, against the Goods, Chattels, and Credits of such Persons, for any Sum exceeding One Hundred Pounds of Tobacco, or Ten Shillings in Current Money; any Act, or Acts, to the contrary notwithstanding.

Debts not above 600 lb of Tobacco, or 50*s*. to be recovered before a Single Justice.

On Return of *Non est*, the Creditor may sue out Attachment.

III. **And whereas** many Times Witnesses may be wanting, or the Parties not prepared, to make good their Allegations immediately on the Appearance of a Defendant, so that a further Time may be necessary to examine into the Matter of Controversy: **Be it therefore Enacted**, That when any Defendant shall be brought on a Warrant, before any Justice of the Peace, such Justice may, if he in his Discretion shall think fit, give and allow to such Defendant a future certain Day, not exceeding Ten Days, to appear before such Justice, or any other Justice of the same County, at a certain Place to be appointed, to answer unto such Warrant, such Defendant giving good and sufficient Security, if such Justice shall award it necessary, by Way of Recognizance, in the Nature of Bail, for the Defendant's Appearance at the Time and Place appointed, and paying what he shall be condemned in on the said Warrant, or surrendering his Person to Prison in Satisfaction thereof, or in Default of the Defendant's giving such Security, to commit such Defendant to the Sheriff's Custody, till he gives such Bail; and if the Defendant shall not appear, at the Time and Place appointed, Judgment may be rendered against him on such Default, or on an *ex Parte* Hearing, if the Justice does not see Cause to the contrary, and if Judgment shall be in any Manner rendered against the principal Debtor, and he does not pay such Condemnation, or render himself on Execution, to be issued returnable at the End of Thirty Days from the issuing thereof, a Warrant shall and may be issued, and Recovery and Execution had against such Bail in the same Manner as against principal Debtors: Saving to such Bail all Manner of Defence, that Special Bail in Courts of Law are entitled to, on the Return of the First or Second *Scire facias*, and the Liberty of delivering up the principal Debtor, on the Return of such Warrant, on Payment of Costs on the same Warrant.

Time allowed to procure Evidences, *&c.*

not exceeding 10 Days, the Defendant giving Bail.

In default of Appearance, Judgment may be given *ex Parte*.

Recovery, how to be had against the Bail.

IV. Pro-

CHAP. XXI.

Conſtable to give Notice to the Plaintiff of the Time, &c.

IV. **Provided always, and it is hereby Enacted,** That the Conſtable ſhall give Notice to the Plaintiff, or his Agent, where either of them lives in the ſame Hundred, of the Time and Place he intends to carry the Defendant before a Juſtice; and in caſe neither the Plaintiff, having Notice as aforeſaid, nor any Perſon for him, nor the Plaintiff, nor any Perſon for him, when ſuch Plaintiff lives out of the ſame Hundred, and hath not appointed any Agent in that Buſineſs, with or without Notice, ſhall appear on the Return of the Warrant, or ſhall make Default in not appearing at the Time and Place appointed, when there ſhall be an Appointment by the Juſtice of a future Day for an Hearing, the Juſtice before whom any Defendant ſhall be brought on a Warrant as aforeſaid, or before whom he ſhall appear on an Appointment as aforeſaid, ſhall and may hear and determine the Matter of Controverſy *ex Parte*.

Judgment *ex Parte*, on Default of Appearance.

Superſedeas may be taken.

V. **And be it further Enacted,** That from and after the End of this preſent Seſſion of Aſſembly, it ſhall and may be lawful for the Juſtice before whom any ſuch Judgment is had, or any other Juſtice of the Peace of that County, to take a *Superſedeas* of ſuch Judgment, in the ſame Manner, and for the ſame Time, as is by Law directed for any Two Juſtices to take of any Judgments, or Executions on Judgments, rendered in the ſeveral County Courts of Law of this Province.

Such ſmall Debts not to be ſued in the County Court.

VI. **And be it likewiſe Enacted,** That the Juſtices of the ſeveral County Courts within this Province, ſhall not hold Plea in the ſaid Courts, of any Debt or Damage which ſhall not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings in Current Money; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

The Act of 1715, *ch.* 12, repealed.

VII. **And be it likewiſe Enacted,** That an Act of Aſſembly, made at a Seſſion of Aſſembly, held at the City of *Annapolis*, on the Twenty-ſixth Day of *April*, *Anno Domini* Seventeen Hundred and Fifteen, entitled, *An Act for the ſpeedy Recovery of ſmall Debts out of Court, before a ſingle Juſtice of the Peace*, be, and is hereby abrogated, repealed, and made void.

Parties aggrieved may Appeal to the next County Court.

VIII. **Provided always,** That in Caſe either Plaintiff or Defendant ſhall think him or herſelf aggrieved, by the Determination of any Magiſtrate, where the Sum ſhall exceed Thirty-three Shillings and Four-pence, or Four Hundred Pounds of Tobacco, he or ſhe ſhall be at Liberty to appeal to the next County Court, before the Juſtices thereof, who are hereby, upon the Petition of the Appellant, in a ſummary Way, to hear the Allegations and Proofs of both Parties, and determine upon the ſame, according to the Equity and Right of the Matter, the ſame Court in which the ſaid Petition ſhall be exhibited, without any further Continuance or Delay, unleſs it ſhall appear to the Satisfaction of the ſaid Court, that further Time ought to be given to the Party applying for the ſame, to enable the ſaid Court to determine the Cauſe, according to the Equity and Right of the Matter.

In caſe of *Superſedeas*, Bonds to be taken.

IX. **Provided alſo, and be it further Enacted,** That no Execution upon any Judgment, to be rendered by any Juſtice, ſhall be ſtayed, or delayed, or any *Superſedeas* upon ſuch Judgment granted, upon any Appeal, unleſs the Perſon appealing, or ſome other on his or her Behalf, ſhall immediately upon making ſuch Appeal, enter into Bond with ſufficient Sureties, ſuch as the Juſtice by whom Judgment ſhall be given, ſhall approve of, in double the Sum recovered, with Condition,

Condition.

" That if the Party appealing ſhall not " Proſecute his Appeal at the next County Court, with Effect, according to " the Directions of the Act, entitled, *An Act for the ſpeedy Recovery of ſmall* " *Debts out of Court, before one Juſtice of the Peace*, and alſo pay and ſatisfy " the Party in whoſe Behalf the Judgment of the Juſtice ſhall be given, his " Executors, Adminiſtrators, or Aſſigns, in caſe the ſaid Judgment ſhall be " affirmed,

" affirmed, as well the Debt, Damage, and Coſt, adjudged by the Juſtice " from whoſe Judgment ſuch Appeal ſhall be made, as alſo all Coſt and Da- " mage that ſhall be awarded by the Court before whom ſuch Appeal ſhall " be heard, tried, and determined, then the ſaid Bond to be and remain in " full Force and Virtue, otherwiſe to be of none Effect." CHAP. XXI.

X. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years. Duration.

CHAP. XXII.

A Supplementary Act to the Act, entitled, [k] An Act for Emitting and making Current Ninety Thouſand Pounds Current Money of *Maryland*, in Bills of Credit. *Lib.* H.S. *fol.* 512. *OBS.* Paſſed 21st *Nov.* 1763.

[k] 1733, *ch.* 6.

N. B. By this Act, the ſeveral Naval Officers were directed to pay into the Hands of the Commiſſioners of the Loan Office, before the 6th *October* 1764, good Bills of Exchange upon *London*, payable at Thirty Days Sight, for the Amount of the Duty of 15*d.* per Hogſhead, which they ſhou'd reſpectively receive for Tobacco exported after the 1st *December* 1763, inſtead of remitting ſuch Bills to the Truſtees in *London*, purſuant to the Original Act. And the ſaid Commiſſioners were directed and impowered to receive the ſame, and enter them in their Books, to the Credit of the Province of *Maryland:* Which Bills ſo received, to be the firſt Bills of Exchange by them paid away, to thoſe who ſhou'd bring in Bills of Credit, to be ſunk at the End of the laſt Sixteen Years; and the Delivery thereof by them, to be a Payment and Diſcharge of ſuch Bills of Credit, as fully and amply as Bills drawn by the ſaid Commiſſioners, upon the Truſtees in *England*, according to the Directions of the Original Act.

CHAP. XXIII.

An ACT for the Advancement of Juſtice. *Lib.* H.S. *fol.* 513.

Paſſed 21st *Nov.* 1763.

Note well for the advancement of Juſtice.

Preamble.

WHEREAS, notwithſtanding the ſeveral Laws heretofore made for the Advancement of Juſtice, Amendment of the Law, and Aiding and Supplying ſeveral Defects in Judicial Proceedings, great Delay, Trouble and Expences, have been, and ſtill are, occaſioned by Demurrers, Arreſting and Reverſing of Judgments, and Staying Executions by Writs of Error and Appeal, there being yet no ſufficient Proviſion made for the aiding ſuch Omiſſions, Errors and Imperfections, as are uſually taken Advantage of by ſpecial Demurrers, and alſo for aiding ſuch Defects in the Entries of Clerks, as are frequently taken Advantage of, on the Proſecuting Writs of Error, or Appeals, as well as divers other Advantages of other Defects, or pretended Defects, or Errors, which only ſerve to Prevent, or Divert the Examination of, and giving Judgment on, the very Right of the Cauſe: For Remedy whereof,

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in all Actions to be commenced after this Seſſion of Aſſembly, the Juſtices of the ſeveral Courts of Law within this Province, ſhall Proceed, and give Judgment, according as the very Right of the Cauſe, and Matter in Law, ſhall appear to them, without regarding any ſuch Omiſſion, Defects, Advantages, or Pretences as aforeſaid, ſo as ſufficient Matter ſhall appear in the Proceedings, upon which the Court may proceed to give Judgment, according to the very Right of the Cauſe and Matter in Law, and that it ſhall appear that the Action ſhall be commenced after the Cauſe thereof ſhall accrue, and that no ſuch Judgment ſhall be reverſed or ſet aſide, or Execution thereon delayed, for or by reaſon of any ſuch Imperfection, Omiſſion or Defect; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding. Courts of Law ſhall give Judgment according as the Right of the Cauſe, &c. ſhall appear to them, without regarding Omiſſions, Errors, &c.

1 relative to the Preamble
2 relative

III. **Provided always, and be it Enacted** *by the Authority aforeſaid,* That nothing in this Act ſhall extend, or be conſtrued to extend, to any Writ, Declaration, or Suit of Appeal of Felony, or Murder, or to any Indictment, or Preſentment of Treaſon, Felony, or Murder, or other Matter, or to any Proceſs upon any of them, or to any Writ, Bill, Action, or Information, upon any Penal Statute. But ſhall not extend to Proſecutions for Treaſon, Felony, or on Penal Statutes.

IV. And

CHAP. XXIII.

Plaintiffs requiring ſpeedy Trial, to ſend Copy of Declaration, &c. 20 Days before the Appearance Court.

IV. And be it further Enacted *by the Authority aforeſaid*, That in all Actions hereafter to be commenced in the Provincial Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Juriſdiction of that Court, where the Plaintiff is deſirous of a ſpeedy Trial, that if the Plaintiff ſhall ſend a Copy of the Declaration in the Caſe, with the Writ, and cauſe the ſame to be ſerved on, or delivered to the Defendant, or left at his, or her Place of Abode, Twenty Days at the leaſt, before the Appearance-Court, it ſhall and may be Lawful for the Juſtices of the ſaid Court, and they are by this Act required to oblige the Defendant, by Rule of Court, to proceed to Trial the ſame Court, and if the Defendant ſhall neglect, or refuſe to anſwer or plead, to render Judgment for the Plaintiff with Coſts of Suit, unleſs ſufficient Cauſe be ſhewn by the Defendant, why there ſhould be an Imparlance.

Power of County Courts to determine according to Equity in Actions not exceeding 20*l.* Sterling, or 5000*lb* of Tobacco.

V. And be it further Enacted, That in all Actions in the County Courts, where the Matter or Thing in Diſpute, ſhall not exceed the Sum of Twenty Pounds Sterling Money, or Five Thouſand Pounds of Tobacco, the Juſtices of the County Court, where ſuch Action ſhall be brought, may and ſhall (at the Prayer of either Plaintiff or Defendant, either before or after Judgment, or Verdict of a Jury, at Common Law) hear and determine the ſame, according to the Rules of Equity and Good Conſcience, as fully and amply as the Chancellor, or Keeper of the Great Seal, might do, in any Caſe within the Juriſdiction of the Chancery Court; any Law, Uſage, Verdict of a Jury, or Cuſtom, to the contrary notwithſtanding.

Exception as to the Juriſdiction of the Court of Chancery.

VI. Provided always, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, ſo as to limit, abridge or reſtrain the Juriſdiction of the High Court of Chancery of this Province, in any Manner or Reſpect whatſoever, but that the ſaid Court ſhall have the ſame Power, Authority, and Juriſdiction, in all and every Caſe, as belonged to, and was exerciſed by the ſaid Court, before the making this Act; any thing herein contained notwithſtanding.

Where any Surety, &c. diſcharges a Bond or Proteſted Bill, it ſhall be aſſigned to him by the Obligee, &c. and he ſhall have Action in his own Name againſt the principal Debtor.

VII. And be it Enacted, That where any Perſon or Perſons is, or are Bound in any Bond, or other Obligation, for the Payment of Money, Tobacco, or other Goods, or Indorſe any Bill of Exchange that ſhall be Proteſted, and the Money, Tobacco, or other Goods, or ſuch Part thereof as ſhall be unpaid by the principal Debtor, ſhall be paid or tendered by the Surety or Indorſer, that the Obligee or Indorſee ſhall be obliged to aſſign ſuch Bond, Obligation, or Proteſted Bill, to the Surety paying or tendering the Money, Tobacco, or other Goods, due as aforeſaid, and that the Aſſignee ſhall and may, by virtue of ſuch Aſſignment and this Act, have an Action, in his, or her own Name, againſt the principal Debtor, any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Where the Surety ſatiſfies Judgment it ſhall be aſſigned to him by the Creditor, and he ſhall have Execution againſt the Principal. Where one Surety ſatiſfieth the whole, he may have Execution againſt the other, &c.

VIII. And be it Enacted, That where any Perſon or Perſons hath recovered, or ſhall recover, any Judgment againſt the principal Debtor and Surety, and ſuch Judgment hath been, or ſhall be ſatisfied by Sureties, that the Creditor ſhall be obliged to aſſign ſuch Judgment to the Surety ſatisfying the ſame, and that the Aſſignee ſhall be entitled unto, and have, in his own Name, as Aſſignee, the ſame Execution againſt the principal Debtor, by virtue of ſuch Aſſignment and this Act, as the Creditor might or ought to have had; the ſaid Aſſignment being firſt Recorded in the ſame Court wherein the Judgment ſhall have been rendered or obtained, and that where any Judgment hath been, or ſhall be rendered againſt ſeveral Sureties, and one of them hath ſatisfied, or ſhall ſatisfy the whole, the Plaintiff, or Creditors, ſhall be obliged to aſſign ſuch Judgment to the Surety ſatisfying the ſame, and that the Aſſignee ſhall have, and be entitled to, an Execution againſt the other Sureties againſt whom Judgment hath been, or ſhall be obtained, by the principal Creditor,

Creditor, for a proportionable Part of the Debt or Damage paid by such Assignee; any Law, Usage, or Custom, to the contrary notwithstanding. CHAP. XXIII.

Provided always, That no Defendant or Defendants, shall be precluded or debarred of his or their Remedy against the Plaintiff, by *Audita Querela*, or other equitable Course or Proceeding whatsoever, any thing in this Act to the contrary notwithstanding. Defendant may have *Audita Querela*.

IX. **And be it Enacted**, *by the Authority aforesaid*, That upon all Bonds, or other Obligations under Seal, that have, or shall be assigned under Hand and Seal, the Assignee shall and may, by virtue of such Assignment, maintain an Action or Actions, in his or her Name, against the Obligor or Obligors therein named, and if it shall happen that such Obligor or Obligors shall be unable to pay the Debt mentioned in such Obligation, or cannot be found in the Place or County of his usual Abode, or any other Thing or Casualty should happen, whereby the Assignee should not be able to receive or recover his Debt from such Obligor or Obligors, that then and in every such Case, the like Action shall and may be maintainable, by such Assignee, against the Obligee or Obligees in such Obligation mentioned; in case the said Assignee hath not been, nor shall be, a Surety in the Bond or Obligation assigned to him as aforesaid; any Law, Usage, or Custom, to the contrary notwithstanding. Bonds, &c. being assigned under Hand and Seal, the Assignee (unless he be a Surety thereto) may maintain Action in his own Name against the Obligee.

Provided, That where any Debt shall be lost by the Negligence, or Default of the Assignee or Assignees, that the Assignor or Assignors shall not be liable, any such Assignment notwithstanding. Assignor, in what Case not liable.

X. **Provided also**, That no Action or Actions shall be maintained in the Name or Names of any Assignee or Assignees, upon any Assignment wherein the Obligee or Obligees may be liable under this Act, upon the Default of the Obligor or Obligors as aforesaid, unless the Assignor or Assignors have made, or shall make Oath (or Affirmation if a Quaker) before some Magistrate, "That he, she, or they, hath or have, received no Part of the Sum "mentioned in such Obligation, or but such Part thereof as shall be men- "tioned in such Oath or Affirmation, at the Time of making any such As- "signment," to be indorsed on such Bond or Obligation. But the Assignor shall first make Oath, &c.

XI. **And be it likewise Enacted**, That any Person knowingly Swearing or Affirming falsly in the Premises, and being thereof convict, by due Course of Law, shall suffer as in the Case of wilful and corrupt Perjury. Punishment for false Swearing.

XII. **And be it further Enacted**, *by the Authority aforesaid*, That an Attorney being concerned for either Plaintiff or Defendant, in any Case of Equity to be heard before the County Courts as aforesaid, shall have and receive One Hundred Pounds of Tobacco, where the Debt doth not exceed Ten Pounds Sterling, or Two Thousand Five Hundred Pounds of Tobacco; and where the Debt doth exceed Ten Pounds Sterling, or Two Thousand Five Hundred Pounds of Tobacco, in any such Case the Quantity of Two Hundred Pounds of Tobacco, and no more. Attorney's Fee in Cases of Equity.

CHAP. XXIV.

An ACT for the more effectual securing of Orphans Estates. Passed 21st *Nov.* 1763.

Lib. H.S. *fol.* 516.

WHEREAS it frequently happens, that Executors and Administrators, and Others, that Intermarry with Widows, do obtain the Possession of Real Estates of Orphans within this Province, and commit Waste and Destruction thereupon, before any Balance is transmitted from the Commissary's Office, in which Case no Guardian can be appointed by the several County Courts under any Law now in Force: For Remedy whereof for the future; Preamble.

CHAP. XXIV.

Orphans of 14 Years of Age, to chooſe Guardians; if under, Courts to appoint; to take into their Hands their Real Eſtates, &c.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That it ſhall and may be lawful for the Juſtices of the ſeveral County Courts, and they are hereby authorized and required on Application to them made, to permit ſuch Orphans, if above the Age of Fourteen Years, to chooſe his or her Guardian, and if under the Age of Fourteen, then the ſaid Juſtices to appoint a Guardian, and immediately Order the ſaid Orphan's Real Eſtate, into the Hands of ſuch Guardian, in the ſame Manner as they might or could have done, had the Balance of ſaid Eſtate been tranſmitted from the Commiſſary's Office: And ſuch Guardian ſo as aforeſaid Choſen or Appointed by this Act, ſhall have the ſame Powers, and be ſubject to the ſame Duties and Regulations, as Guardians otherwiſe choſen or appointed, are, by the Laws of this Province now in Force, and when the Balance of the Perſonal Eſtate is tranſmitted (which is hereby declared to be his Duty to ſee done, as ſoon as the particular Circumſtances of the Deceaſed's Eſtate will admit) ſhall receive the ſame as if then Choſen or Appointed; any Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

CHAP. XXV.

Paſſed 21ſt Nov. 1763.

An Act to confirm the Sale of certain Land lying in Eaſtern-Neck *Iſland, in* Kent *County, by* Draper Luſby *and* Frances *his Wife, Executrix of* John Hynſon, *Deceaſed, to* Matthew Bryan. *Lib.* H.S. *fol.* 517. *PR.*

CHAP. XXVI.

Paſſed 26th Nov. 1763.

An ACT to prohibit raiſing of Swine and Geeſe in *Charles-Town,* in *Charles* County. *Lib.* H.S. *fol.* 518.

N. B. By this Act, (1.) No Inhabitants of the ſaid Town, ſhall keep or ſupport, within the ſaid Town, any Swine or Geeſe, unleſs within their own Incloſures. (2.) Any ſuch Inhabitants ſuffering any Swine or Geeſe, belonging to themſelves, or under their Care and belonging to any other Perſons, to go at large in the ſaid Town, it ſhall be lawful for any Perſon to ſhoot or deſtroy ſuch Swine or Geeſe going at large. (3.) Perſons ſued for ſuch ſhooting or deſtroying, may Plead the General Iſſue, *&c.*

CHAP. XXVII.

Ditto.

An Act impowering the Juſtices of Prince-George's *and* Charles *Counties, to levy on the taxable Perſons of* Saint John's *(commonly called* King George's*) Pariſh, in the ſaid Counties, the Sum of Fifty-ſix Thouſand Pounds of Tobacco, for the neceſſary Enlargement of their Pariſh Church. Lib.* H.S. *fol.* 519.

N. B. By this Act, the Juſtices of the ſaid Counties are impowered and required, on Application of the Veſtry-men and Church-wardens, to aſſeſs and levy on the taxable Inhabitants of the ſaid Pariſh, 56000 lb Tobacco, with the Salary of 5 per Cent to the Sheriff, at two equal Aſſeſsments, to be reſpectively made by the ſaid Juſtices, in Proportion to the taxable Inhabitants of the ſaid Pariſh, reſiding in their ſeveral Counties; to be paid and collected in the ſame Manner as Public and County Levies; and to be paid by the reſpective Sheriffs, to the Veſtrymen, *&c.* of the ſaid Pariſh, and by them be applied to enlarging the ſaid Church, and to no other Uſe, *&c.*

CHAP. XXVIII.

Ditto.

An ACT for impoſing an additional Duty of Two Pounds per Poll on all Negroes Imported into this Province. *Lib.* H.S. *fol.* 520.

Additional Duty of 40*s.* on each Negro imported,

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That from and after the End of this Seſſion of Aſſembly, all Maſters of Ships and other Veſſels, and all other Perſons importing or bringing Negroes into this Province, either by Land or by Water, ſhall, at the Time of making their Entry, or bringing in the ſame, Pay unto the Naval-Officer of the Port or Place where they ſhall make their Entry, or bring in ſuch Negroes, the Sum of Two Pounds Current Money, over and above what by the Laws of this Province now in Force, is to be paid, for every Negro ſo imported or brought in, on Penalty and Forfeiture of Ten Pounds Current Money for every Negro ſo imported or brought in, and not paid for as aforeſaid, to be recovered by

to be paid at the Time of Entry,

on Penalty of 10*l.* per Negro,

by Action of Debt, or on the Case, with full Costs, in any Court of Record within this Province having Cognizance of the same, one Half thereof to be applied to the Use of him, her, or them, that shall sue for the same, the other Half to be applied to the Use of the County Schools; which said Duty shall be collected, accounted for and paid, by the several Naval Officers, in the same Manner as the Duties on Negroes heretofore imposed by the Laws of this Province, are directed to be collected, accounted for and paid, and under the like Penalties, to be recovered and applied in like Manner, as in the said Laws is mentioned, and shall be applied to the Use of the several County Schools, in like Manner as the Duties last mentioned are, by former Laws of this Province, directed to be applied. CHAP. XXVIII. to the Use of County Schools; how to be collected and accounted for.

II. **Provided always**, That nothing herein contained, shall hinder any Person or Persons, who shall remove from any other of his Majesty's Dominions, in order to settle and reside within this Province, from bringing with him, her, or them, such Negroes as he, she, or they, shall be possessed of, for carrying on his, her, or their proper Occupation, at the Time of such Removal, but that such Negroes may be imported Duty free, any Thing herein to the contrary notwithstanding. Proviso, as to the Slaves of Persons removing into this Province.

III. **Provided also**, That if any Importer or Bringer in of any such Negroes as aforesaid, shall desire to export them, or any of them, within Two Months from the Time of their Importation, and shall make Report thereof to the Naval Officer with whom they were first Entered, and shall export all or any of them, it shall and may be lawful for such Naval Officer to repay the aforesaid Duty to such Importer or Bringer in, for such Negroes, in Proportion to the Number that shall be so Exported. If Exported in 2 Months the Duty to be return'd.

IV. This Act to continue and be in Force, from the End of this Session of Assembly, for and during the Term of Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years. Duration.

CHAP. XXIX.

An Act to continue the Power of Sheriffs and Collectors, under the Act, entitled, An Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty Four Thousand and Fifteen Pounds Six Shillings thereof, in Bills of Credit, and raising a Fund for sinking the same, *in Collecting and Accounting for the several Sums due in Virtue of that Act.* *Lib.* H.S. *fol.* 521 *OBS.* Passed 26th *Nov.* 1763. 1 1756, *ch.* 5.

N. B. This Act impowered the respective Sheriffs and Collectors, to collect and levy, all and every of the Taxes, Rates and Duties, imposed by that Act (which should be due and unpaid at the End of this present Session) at any Time before the 29th *September* 1764, in the same Manner as the same might have been collected and levied by them, in virtue of the said Act, during the Continuance thereof; the Expiration of the said Act notwithstanding.

CHAP. XXX.

An Act impowering Richard Richardson, *of* Frederick *County, to sell and dispose of the Lands which belonged to his deceased Father* Richard Richardson, *and to apply the Money arising therefrom, to the Uses of his said Father's Will.* *Lib.* H.S. *fol.* 522. *PR.* Passed 26th *Nov.* 1763.

CHAP. XXXI.

An ACT to impower the Justices of *Charles* County, to Levy on the taxable Inhabitants of *Port-Tobacco* Parish, in said County, an additional Sum, not exceeding Two Pounds of Tobacco per Poll, annually, for the further Support of an Organist in the said Parish. *Lib.* H.S. *fol.* 525. Ditto.

N. B. The 2 lb Tobacco per Poll, granted by the Act of 1758, *ch.* 16, being found insufficient for that Purpose, (1.) The Justices of *Charles* County are required annually, during the Continuance of that Act, on Application of the Vestry, to assess and levy on the taxable Inhabitants of the said Parish, a further Sum, not exceeding 2 lb Tobacco per Poll, to be collected by the Sheriff, and by him paid (deducting his Salary of 5 per Cent) to the Vestry, in the same Manner as the 2 lb per Poll granted by the former Act, and to be applied by the Vestry to the Support of an Organist. (2.) The Parishioners have Liberty to discharge the Assessment in this and

CHAP. XXXI.

and the former Act in Money, in the ſame Manner as Public and County Levies may be diſcharged. (3.) If the ſaid Pariſh ſhall at any Time, be without an Organiſt, ſuch Sums of Money or Tobacco as ſhall at ſuch Time be levied on the Pariſh, and remain unapplied, ſhall be laid out for the Uſe of the Pariſh, in ſuch Manner as the Majority of the Veſtry and Church-wardens ſhall direct.

CHAP. XXXII.

Paſſed 26th *Nov.* 1763.

An ACT for erecting a Public School in *Frederick* County. *Lib.* H.S. *fol.* 526.

Preamble.

WHEREAS, it is reaſonable that Education ſhould be extended equally to the ſeveral Parts of the Province, and that there ſhould be a Public School erected in *Frederick* County, as well as the other Counties;

A Public School to be erected in *Fredrick-Town.*

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in Order to the Erecting and Building a Houſe and other Conveniencies, for a County School, there ſhall be One Acre of Land purchaſed in *Frederick-Town,* in *Frederick* County, by the Perſons hereafter Named, who ſhall be Viſitors of the ſaid School, *viz.* Colonel *Thomas Creſap,* Mr. *Thomas Beattys,* Mr. *Nathan Magruder,* Captain *Joſeph Chapline,* Mr. *John Darnall,* Colonel *Samuel Beall,* and the Reverend Mr. *Thomas Bacon,* which ſaid Perſons, ſo nominated Viſitors for *Frederick* County School, ſhall qualify in the ſame Manner, and be ſubject to the ſame Penalties, and be inveſted with the ſame Rights, Privileges, Powers and Authorities, as the Viſitors of the other County Schools within this Province, and ſhall have Succeſſion in like Manner.

Viſitors, to have Succeſſion.

The dividend of School Money in the Treaſurers Hands.

III. **And be it further Enacted,** That of all the Duties, Taxes, and Impoſitions hereafter to be collected, and which, ſince the Twenty-ninth Day of *September* laſt have been Collected for the Uſe of the County Schools within this Province, there ſhall be paid by the Treaſurers, to the Viſitors aforeſaid, or their Order, an equal Dividend, by them to be applied and expended to and for the purchaſing of One Acre of Land as aforeſaid, and Building an Houſe and other Conveniencies as aforeſaid, and to and for the Uſe and Benefit of the ſaid School, in the like Manner as the Dividends due to the other County Schools, is by Law directed to be applied.

CHAP. XXXIII.

Paſſed 26th *Nov.* 1763.

A Supplementary Act to an Act, entitled, An Act for the ſpeedy and effectual Publication of the Laws of this Province, and for the Encouragement of *Jonas Green,* of the City of *Annapolis,* Printer. *Lib.* H.S. *fol.* 527. *OBS.*

N. B. The Time limited in the Act of 1762, *ch.* 24, being too ſhort for Printing the Laws, *&c.* of this Seſſion, on Account of the approaching bad Seaſon, Mr. *Green* was allowed to Print the Laws within four Months, and the Votes and Proceedings within five Months, for this Seſſion of Aſſembly only, and be thereon entitled to all the Benefits of the ſaid Law, as if he had printed them within the Time therein limited. The Treaſurer of the Weſtern Shore was alſo directed to pay Mr. *Green* 9*l.* 12*s.* for Two Record Books, by him furniſhed for the Uſe of the Public.

CHAP. XXXIV.

Ditto.

An Act to revive Kent *County* November *Court, and to continue the Proceſs therein. Lib.* H.S. *fol.* 528. *OBS.*

Viz. The ſaid Court was revived the 25th *November,* and all Buſineſs continued therein to the 1st Tueſday in *December.*

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OR, AN

Alphabetical ABRIDGMENT

OF THE

LAWS of *MARYLAND*:

With References to the ACTS at Large, as contained in the foregoing COLLECTION.

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ABATEMENT. See *Bonds*, 3. *Lord Proprietary*, 7—9. *Navigation Bonds*, 2.
ABETTORS. See *Acceſſory*.
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ACCOUNTS.

1. Accounts which concern the Trade or Merchandize between Merchant and Merchant, their Factors and Servants, which are not Reſidents within this Province, are excepted out of the Act of Limitation. 1715, *ch.* 23, §. 2.

2. Accounts ſworn by the Creditor (before one Provincial or County Magiſtrate) to be juſt and true, and that he hath not received any Part, *&c.* ſhall be received as good Evidence in any Court of Record, or before a ſingle Magiſtrate in Caſe of ſmall Debts: Unleſs the Defendant make appear that ſuch Account is falſe, in Part or in the Whole. 1729, *ch.* 20, §. 9.

3. The Defendant may, in like Manner, prove an Account againſt the Plaintiff, which the Court ſhall adjudge to be diſcounted out of the Creditor's Demand, unleſs the ſame, or ſome Part thereof, be proved to be falſe. *Ibid.* §. 10.

4. Provided that the Particulars of all ſuch Accounts, ſhall be delivered within Ten Days after the ſeveral Articles become due, to the Debtor or Creditor requiring the ſame; and that the Accounts ſhall be proved within Twelve Months after the firſt Article therein charged, ſhall become due. *Ibid.* §. 11.

5. All Accounts proved by the Plaintiff ſhall be filed with the Declaration; and all Accounts proved by the Defendant ſhall be filed with the Clerk, ten Days at leaſt before the Trial Court, otherwiſe they ſhall not be received in Evidence: Except where Declaration is ſent with the Writ, in Order for Trial the firſt Court; in which Caſe the Defendant may ſend a Copy of his Account to the Clerk, the firſt Day of Court, who ſhall file the ſame. *Ibid.* §. 12.

6. Accounts, proved according to this Act, *&c.* may be pleaded in Bar; and tho' of an inferior Nature, ſhall be diſcounted. *Ibid.* §. 5. See *Diſcount in Bar.*

ACCOUNTS.

7. Perſons convict of wittingly Swearing or Affirming falſely to any Account, ſhall ſuffer as in Caſe of wilful Perjury. *Ibid.* §. 15.

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ACTIONS. See *Continuance of Actions*. *Limitation of Actions*.

ACTS OF ASSEMBLY.

1. Copies of all the Acts paſſed in each ſucceſſive Aſſembly, ſhall, from Time to Time be ſent, by Writ under the Great Seal, to the Sheriff of each County, directing them to publiſh the ſame in their ſeveral Counties, at their next County Court; and lodge them with the County Clerk. 1715, *ch.* 25, §. 1.

2. The Chancellor to be paid ſuch Fees for the Tranſcript, as ſhall be allowed by the Aſſembly. *Ibid.* §. 2.

3. All Acts of Aſſembly ſhall be tranſmitted (within ten Days after the End of each Seſſion) to the Secretary's Office; where the ſame ſhall be recorded in a ſubſtantial bound Book, and the ſaid Book to be Alphabeted, and the Secretary to affix his Seal thereto. *Ibid.* §. 4.

4. The Clerks who Record the Acts, ſhall make Oath, that they have carefully examined the Records by the Original Acts: All which ſhall be performed within Six Months after the End of each Seſſion. *Ibid.*

5. The Secretary making Default herein, ſhall forfeit 10,000 ℔ Tobacco for every ſuch Neglect; one Half to the Support of Government, the other Half to the Informer. *Ibid.* §. 5.

6. The Secretary to be paid in the public Levy, for recording the Acts, ſo much as the General Aſſembly ſhall think reaſonable. *Ibid.* §. 7.

ADJOURNMENT. See *County-Court*.

ADMINISTRATION-BONDS.

1. In Suit brought by any Orphan, or other Legatee, on any Teſtamentary or Adminiſtration Bond, for Default of Compliance with the Teſtamentary Laws, the Court ſhall proceed to Judgment and Execution, notwithſtanding any Injunction or Chancery Proceeding to delay the ſame, unleſs a final Decree be obtained

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But any Party to ſuch Suit, thinking himſelf relievable in Equity, may proceed in Chancery. 1718, *ch.* 5, §. 2, and 3.

2. No Creditor ſhall proſecute any Adminiſtration or Teſtamentary Bond, for any Debt or Damage due from or recovered againſt any deceaſed Perſon's Effects, before a *Non-eſt* on a *Capias ad reſpondendum*, be returned againſt the Executors or Adminiſtrators, or a *Fieri facias* returned *Nulla Bona* by the Sheriff; or ſuch other apparent Inſolvency in the Perſon or Effects of ſuch Executor, *&c.* as ſhall (in the Judgment of the Provincial-Court) render ſuch Creditor remedileſs by any other Means than ſuing the Bonds: On Penalty of being condemned in full Coſts. And the Defendants may give this Act, *&c.* in Evidence, without ſpecial Pleading. 1720, *ch.* 24.

3. All Actions, upon Adminiſtration and Teſtamentary Bonds, ſhall be commenced within Twelve Years after paſſing the Bond, and not after. Saving to Infants, *Femme-Covert*, *Non Compos*, Impriſoned, or beyond Sea, a Right of bringing ſuch Actions within Five Years after the Diſability removed. 1729, *ch.* 24, §. 21, 22.

4. No Judgment ſhall be obtained in any Suit, brought on a Sheriff's or Teſtamentary Bond, till the Creditor clearly make appear to the Court what the Debt is. And, upon Notice given the Defendant, or left at his Houſe, Twenty Days before Court, with a Copy of the Nature of the Demand, the Court may aſſeſs Damages, or appoint Auditors to adjuſt the ſame, and give Judgment thereon. But Execution ſhall iſſue for no more than the Sum appearing to be due. 1729, *ch.* 25, §. 3.

5. Unleſs a Writ of Enquiry be prayed for by either Party; which ſhall then be iſſued by the Court, and proceeded in according to the *Engliſh* Statute of 8 and 9 *W.* III. *ch.* 11. And Execution ſhall iſſue, for no more than found by the Jury, with Coſts and Intereſt. *Ibid.*

6. And no other Creditor (on ſuch Judgment obtained) ſhall come in for any Part of the Penalty, without ſerving a *Scire-facias*, which ſhall be ſued within Eighteen Months after ſuch Recovery, and not after; and ſhall alſo contain the Nature of the Demand, and the Sum due. *Ibid.*

See *Limitation of Actions*, 7.

ADMINISTRATORS.

1. The Commiſſary-General ſhall call all Executors and Adminiſtrators to exhibit Inventories within Three Months, and to render Accounts within Twelve Months after Adminiſtration granted, of the Perſonal Eſtates of Perſons deceaſed. 1715, *ch.* 39, §. 3.

2. Adminiſtrators failing herein, when thereunto legally cited, the Judge may iſſue Attachment againſt them to compel the Performance, as well as to anſwer for the Contempt. *Ibid.*

3. And in Caſe of Failure herein, after Two Attachments returned to Two ſeparate Courts, the Judge may revoke the firſt Adminiſtration, and grant Adminiſtration *de Bonis non*, to the Perſon having the next Right: Which Perſons ſhall qualify and give Security, as uſual, and then may either ſue the former Adminiſtrator in the Commiſſary's Court for exhibiting an Inventory, *&c.* or apply to the Commiſſary for Aſſignment of his Bond, and put the ſame in Suit, (if Need be) for any Neglect, Mal-Adminiſtration, *&c.* *Ibid.*

4. The Rules in this Act ſhall be obſerved, by the Commiſſary-General, in paſſing the Accounts of Adminiſtrators and Executors. *Ibid.* §. 6.

5. No Allowance ſhall be made, in the Accounts of Adminiſtrators, but for Debts *bonâ fide* owing by the deceaſed; and really paid, or ſecured to be paid, by ſuch Adminiſtrator: And neceſſary Charges. *Ibid.*

6. No Negro, or other Slave, ſhall be ſold by any Executor or Adminiſtrator, or reſerved for his or her own Uſe, for Payment of any Debt owing to ſuch Executor, *&c.* Nor ſhall any Slave be taken in Execution for any Debt due from the Deceaſed, ſo long as there ſhall be other Goods ſufficient to ſatisfy ſuch Execution: The Executor or Adminiſtrator ſhewing ſuch other Goods, which the Sheriff, *&c.* is required to demand. *Ibid.* §. 8; and, 1729, *ch.* 24, §. 2.

7. But ſuch Slaves ſhall be kept upon Hazard of the Eſtate, and employed in finiſhing the Crop begun in the Life-time of the Deceaſed; *viz.* to the laſt of *January* enſuing. And ſuch Crop ſhall be Aſſeſſed to the Creditors, or dividable among the Widow and Children, and Relations, if there be no Creditors. And the Adminiſtrator ſhall be allowed his reaſonable Charges expended in finiſhing ſuch Crop, on paſſing his Accounts with the Commiſſary. 1715, *ch.* 39, §. 8.

8. The Commiſſary-General ſhall allow 10 per Cent for their Trouble, to Executors or Adminiſtrators, for all Money, Tobacco, or other Goods or Chattels, by them *bonâ fide* paid. *Ibid.* §. 23. (*See below*, Art. 10 *and* 11.)

9. And 10 per Cent on the whole Reſidue; where the Reſiduary Legatees of Perſons making Wills, or Kindred of Inteſtates to whom due, are Non-Reſidents: And where the Reſidue of the Real and Perſonal Eſtates is turned into Money, *&c.* for their Advantage, and tranſmitted to them by the Executors or Adminiſtrators. *Ibid.* §. 24.

10. In caſe of conſiderable Trouble in ſettling Accounts, riding about with Books, *&c.* the Commiſſary-General may allow ſomething in the whole, for the Executor's or Adminiſtrator's extraordinary Toil and Charge, not exceeding 5 per Cent. *Ibid.* §. 25.

11. But no Allowance ſhall be made for any Part of the Reſidue (*See above*, Art. 9,) which is paid in Specie, (without converting it into Money or Tobacco for that Purpoſe) to the Reſiduary Legatees, or next of Kindred. *Ibid.* §. 26.

12. The Commiſſary-General ſhall take Security of all Executors and Adminiſtrators, to the Uſe of Orphans in any Will mentioned, for the true Performance of ſuch Will according to Law, and the Intent of the Teſtator; and tranſmit an Account of the Legacies left to any Infant-Orphans to the County-Court, to be by the Juſtices ſecured in the ſame Manner as the Balances of Inteſtates Eſtates. Which Courts ſhall enquire, by a Jury, of theſe Orphans, as well as of the Orphans of Inteſtates: And, if they find the Security like to be inſolvent, or the Orphans ill uſed, ſhall act as in the Caſe of Inteſtates Eſtates. But nothing ſhall be done herein which ſhall ſeem repugnant to the Will of the Teſtator. *Ibid.* §. 39.

13. On appraiſing the Eſtate of the Deceaſed, the Executor or Adminiſtrator ſhall give Notice to Two of the next of Kin, and Two of the Creditors (if any be) of the Deceaſed, who ſhall be preſent at the ſame, with the ſworn Appraiſers, and ſhall certify to the Commiſſary that they were preſent and do approve of the Appraiſement. And without ſuch Certificate, or Proof of Notice given, and their Refuſal or Neglect to appear, the Commiſſary ſhall not receive the Inventory. *Ibid.* §. 41.

14. Country Debts ſhall have the Preference in all Payments made by Executors or Adminiſtrators (Reſpect being had to the Quality of the Debts) except Debts due to the Crown: (*See below*, Art. 22,) unleſs Cognizance be proved of Debts of a higher Quality due to Non-Reſidents. In which Caſe, if the Executor or Adminiſtrator ſhall, notwithſtanding ſuch Cognizance, have paid Debts of an inferior Nature, without any Recovery by Law; or have neglected to plead ſuch foreign Debt, in Stay of Judgment, in Suits for Debts of an inferior Nature, Judgment ſhall paſs againſt ſuch Executor or Adminiſtrator (in Defect of Aſſets) *de Bonis propriis*. *Ibid.* §. 42.

15. Any Legatee or Other, having Right to any Legacy or Reſidue of any deceaſed Perſon's Eſtate, after 12 Months from the Date of the Letters Teſtamentary or of Adminiſtration, may demand and ſue for

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for ſuch Legacy or Reſiduary Part as ſhall then appear to be due, by ſuch Accounts as ſhall then be made up. And ſuch Legacies or Reſiduary Part ſhall then be paid or recovered out of the full Eſtate, as if no Diſburſements for Debts or Charges were to be made thereout: Such Perſons giving Security to refund to ſuch Executor, *&c.* according to the *Engliſh* Stat. of 22 and 23 *Car.* II. *cap.* 10. 1718, *ch.* 5, §. 2.

16. Every Creditor having Money, Tobacco, or other Goods, due from the Eſtate of any deceaſed Perſon, by Judgment, Statute, Recognizance, *&c.* or other Writing, before the Executor or Adminiſtrator pay the ſame, ſhall make Oath (or Affirmation if a Quaker) that no Part of the Money, *&c.* mentioned therein, hath been paid, or any Satisfaction towards the ſame made, other than is taken Notice of in the ſaid Oath, *&c.* And the Balance, after deducting what is confeſſed in the Creditor's Oath, ſhall be paid by the Executor, *&c.* having Aſſets. 1722, *ch.* 10, §. 1.

17. Every Executor or Adminiſtrator of a Creditor, ſhall, before the Receipt or Recovery of any Debt due from any other Executor, *&c.* ſwear or affirm, that the Creditor (to the Knowledge of the Executor, *&c.*) did not receive any Part of the Debt, more than mentioned in ſuch Oath, *&c.* and that he hath not received any Part of the Debt more than he gives an Account of; which ſhall always be particularly mentioned in ſuch Oath, *&c.* and deducted as aforeſaid. *Ibid.* §. 2.

18. When any Creditor, or Executor, *&c.* of a Creditor, ſhall refuſe to ſwear, *&c.* as aforeſaid, and will ſue the Executor, *&c.* of a Debtor, who ſhall offer, on its being done, to pay the real Debt, he ſhall be Non-ſuit, and pay Coſts; but ſhall not be debarred of a new Action, firſt complying with this Law. *Ibid.* §. 3.

19. Perſons convict of Swearing or Affirming falſely herein, ſhall ſuffer as in Caſe of wilful and corrupt Perjury. *Ibid.*

20. No Executor or Adminiſtrator ſhall be allowed any Coſts of Suit, in any Action recovered againſt him, out of the deceaſed's Eſtate, unleſs the Court before whom brought, ſhall certify to the Commiſſary, that ſuch Executor, *&c.* had juſt or probable Cauſe for withſtanding ſuch Suit. *Ibid.* §. 4.

21. The ſeveral County Courts ſhall, every Court, as well by giving the ſame in Charge to the Grand Jury, as by other Means enquire, Whether any Executor or Adminiſtrator hath received, and not accounted for, or neglected to receive or recover any Debt due to the deceaſed? and ſhall call ſuch Executor, *&c.* before them; and if ſuch Default ſhall ſufficiently appear, they ſhall cauſe the ſame to be entered upon Record: Which ſhall be allowed in Evidence, in any Suit commenced by the Guardian during the Minority, or by the Orphan at full Age, or by the Creditor againſt the Executor, *&c.* or by the Ward againſt the Guardian. 1729, *ch.* 24, §. 3.

22. No Preference ſhall be given in the Payment of Debts, by any Executor, *&c.* to any Debts due to the Crown, or the Lord Proprietary, other than to ſuch Debts as ſhall be due to the Crown, or his Lordſhip, for their own proper Uſe. *Ibid.* §. 15.

23. On Petition of any Sureties on Adminiſtration or Teſtamentary Bonds, or Bonds paſſed for any Guardians, and Proof that they are in Danger of ſuffering thereby, the County Court ſhall cauſe the Executor, *&c.* to give the Petitioners ſufficient Counter Security to indemnify them from ſuch Bonds. *Ibid.* §. 23.

24. And in caſe ſuch Executors, *&c.* ſhall refuſe or neglect to do the ſame, the Court ſhall order Attachment to iſſue againſt their Bodies, to compel them thereto. *Ibid.*

25. And in caſe ſuch Executor, *&c.* ſhall be unable, *&c.* to give ſuch Security, the Court ſhall order the Eſtate remaining in the Hands of ſuch Executor, Adminiſtrator or Guardian, to be delivered up to the

Sureties, or their legal Repreſentatives; who, by Proceſs of Attachment or Diſtreſs, iſſued out of the ſaid Court, ſhall poſſeſs themſelves of the ſame, and return an Account of what they ſhall ſo receive, to the County Court, appraiſed on the Oath of Two indifferent Perſons appointed by the Court: And the ſaid Executor, *&c.* ſhall be diſcharged of ſo much as the Sureties ſhall receive, by virtue of ſuch Order or Proceſs. *Ibid.*

26. But no Order of a County Court, for Delivery of ſuch Eſtate into the Hands of the Sureties ſhall be executed, *&c.* or any Proceſs thereon iſſued, before the Sureties, *&c.* obtaining ſuch Order, have entered into Bond or Recognizance before the Court, with Two ſufficient Securities, for their Delivery or Payment of all Goods, *&c.* which ſhall come to their Poſſeſſion by virtue of ſuch Order, or the Value thereof according to Law, to any Perſons having Right to, and lawfully requiring the ſame: Which Bonds ſhall be filed in Court, and be aſſignable to, and may be ſued by, any Perſon injured by the Non-Performance thereof, in the ſame Manner as Teſtamentary or Adminiſtration Bonds now are. 1735, *ch.* 17.

27. Executors and Adminiſtrators are exempted from Amerciaments, on being caſt in Suit. 1722, *ch.* 12, §. 1.

See *Bills of Exchange*, 4. *Commiſſary-General*, 5. *Fieri facias*, 1, 6. *Foreign Debts*, 3. *Inteſtates Eſtates* per Tot. *Negroes*, 11. *Public Arms*, 11, 12.

ADMONITION. See *Fornication*, 3.

AD QUOD DAMNUM. See *Church Lands*, 4. *Iron Works*, 1—3. *Water Mills*, 1, 2.

ADVANCEMENT OF JUSTICE.

1. The ſeveral Courts at Law ſhall proceed, and give Judgment, according as the very Right of the Cauſe and Matter in Law ſhall appear to them, without regarding any Omiſſions, Errors, *&c.* (ſuch as are uſually taken Advantage of by Special Demurrers, or in the Proſecution of Writs of Error, *&c.* ſerving only to divert Judgment on the very Right of the Cauſe) ſo as ſufficient Matter ſhall appear in the Proceedings upon which the Court may give Judgment as aforeſaid, and that the Action was commenced after Cauſe thereof had accrued. Nor ſhall any ſuch Judgment be reverſed, or Execution thereon delayed, by Reaſon of any ſuch Imperfection, *&c.* 1763, *ch.* 22, §. 2.

2. But this Act ſhall not extend to Caſes of Treaſon, Felony, or Murder, or Proſecutions on Penal Statutes. *Ibid.* §. 3.

3. In all Actions hereafter to be commenced in the Provincial Court, for any Sum within the Juriſdiction of that Court, where the Plaintiff is deſirous of a ſpeedy Trial, if the Plaintiff ſend a Copy of the Declaration with the Writ, and cauſe the ſame to be ſerved on, or delivered to the Defendant, or left at his Place of Abode, Twenty Days at leaſt before the Appearance Court; the Juſtices ſhall oblige the Defendant, by Rule of Court, to proceed to Trial the ſame Court. And, if the Defendant neglect or refuſe to Anſwer or Plead, to render Judgment for the Plaintiff, with Coſts; unleſs ſufficient Cauſe be ſhewn for an Imparlance. *Ibid.* §. 4.

4. In Actions, not exceeding 20 *l.* Sterling, or 5000 ℔ Tobacco, the County Court, at the Prayer of either Party, either before or after Judgment or Verdict, may hear and determine the ſame, according to Equity and Conſcience, as amply as the Chancellor, *&c.* *Ibid.* §. 5. And the Attorney's Fee, in any ſuch Cauſe of Equity, where the Debt does not exceed 10 *l.* Sterling, or 2500 ℔ Tobacco, ſhall be 100 ℔ Tobacco: But where it exceeds that Sum, 200 ℔ Tobacco. *Ibid.* §. 12. But this ſhall not limit or reſtrain the Juriſdiction of the High Court of Chancery, but the ſaid Court ſhall have the ſame Power, *&c.* in every Caſe as belonged to, and was exerciſed by it before this Act. *Ibid.* §. 6.

5. Where

Vid: the Law 1768 ch 28 post — for ſecuring and declaring the law therein mentioned

Vid his Law 1771 No. 33. — for declaring and amending the Law

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ADVANCEMENT of JUSTICE.

5. Where any Surety to a Bond, *&c.* or Indorſer of a proteſted Bill of Exchange, ſhall diſcharge the Principal or Balance due thereon, the Obligee or Indorſee ſhall aſſign ſuch Obligation, or proteſted Bill, to the Party paying or tendering the Sum due thereon; which Aſſignee ſhall then have Action in his own Name, againſt the Principal Debtor. *Ibid.* §. 7.

6. Where Judgment is recovered againſt Debtor and Surety, and ſatisfied by the Surety, the Creditor ſhall aſſign ſuch Judgment to the Surety: Which Aſſignee ſhall then have the ſame Execution againſt the principal Debtor, as the Creditor might have had. *Ibid.* §. 8.

7. Where Judgment is rendered againſt ſeveral Sureties, and one of them ſatisfieth the Whole, he ſhall have Aſſignment of the Judgment from the Creditor, and be entitled to Execution againſt the other Sureties, for a proportionable Part of the Damage paid by him. But no Defendant ſhall be debarred of Remedy by *Auditâ Querelâ*, &c. *Ibid.*

8. Bonds, *&c.* under Seal, being aſſigned under Hand and Seal, the Aſſignee may maintain Action in his own Name againſt the Obligor. And in caſe ſuch Obligor ſhall be unable to pay, or cannot be found ſo as to recover, the like Action ſhall be maintainable againſt the Obligee: Unleſs ſuch Debt be loſt by Default of the Aſſignee, in which Caſe the Aſſignor ſhall not be liable. *Ibid.* §. 9.

9. But no Action ſhall be maintainable in the Name of any Aſſignee, unleſs Oath, *&c* be made by the Aſſignee, that he hath received no Part of the Sum mentioned in the Obligation, or ſuch Part only as is mentioned in ſuch Oath, to be indorſed on the Bond. And Falſe Swearing herein ſhall be puniſhable as wilful Perjury. *Ibid.* §. 10 and 11.

ADULTERY. See *Fornication.*

ADVOWSON and Patronage of all Churches belong to the Lord Proprietary. See the CHARTER, §. 4.

AFFINITY. See *Inteſtates Eſtates*, 1. N° VIII.

AFFIRMATION. See *Quakers*, 1.

AGGRIEVANCES relieved. See the Acts of 1714, *ch.* 4; and 1728, *ch.* 24.

AGE. See *Orphans*, 4—6.

AGENTS.

1. Lord *Baltimore*'s Agents for granting Lands were obliged, on or before the 14th *May*, 1707, to certify and hang up in the Secretary's Office, his Lordſhip's Inſtructions and Conditions of Plantations. 1707, *ch.* 23, §. 1.

2. They were alſo obliged to prepare a Liſt of their Fees, which were to be conſidered by Two of the Council, and Two Provincial Juſtices, who had Power to leſſen them as they ſaw fit, and to allow them under their Hands: But ſtill the Fees, ſo allowed, were ſubject to the Denial, Alteration, *&c.* of the next Seſſion of Aſſembly. *Ibid.* §. 2.

AIDERS. See *Acceſſory.*

ALLEGIANCE. See *Proteſtant Intereſt.*

ALLOWANCES. See *Adminiſtrators*, 5, 8—11. *Bills of Coſt*, 3. *Fees*, 3. *Gold and Silver*, 1, 2. *Inſpectors*, 21. *Inteſtates Eſtates*, 4. *Levies*, 14. *Liquors Imported*, 3, 10.

AMERCIAMENTS.

1. The Clerk of the Provincial, and Clerks of the ſeveral County Courts, ſhall keep an Account of the Amerciaments; and deliver, or ſend the ſame to the ſeveral Sheriffs, who ſhall collect the ſame with the Levy, and are impowered to Diſtrain. 1715, *ch.* 41, §. 11.

2. The County-Clerks ſhall give an Account of the Amerciaments yearly, to the ſeveral Chief Juſtices, at *November* Court. And the Clerk of the Provincial Court ſhall lay a Liſt of Provincial Amerciaments yearly before the Governor and Council. *Ibid.* §. 12.

3. Every Plaintiff that ſhall be caſt, or diſcontinue his Action; and every Defendant that ſhall be caſt

AMERCIAMENTS.

(Executors, Adminiſtrators and Minors excepted) if he imparles, ſhall be Amerced: If in the Provincial Court, 50 lb Tobacco, to be applied as the Governor and Council ſhall think fit: If in the County Court, 30 lb Tobacco, to be applied to defraying the County Charge. 1722, *ch.* 12, §. 1.

4. All Amerciaments ſhall be levied by the Sheriffs by way of Execution. *Ibid.*

5. No Defendant ſhall be liable to Amerciament, againſt whom Judgment ſhall be rendered the firſt Court. *Ibid.* §. 2.

See *Adminiſtrators*, 27. *Minors*, 1.

ANCHORAGE. See *Port-Duties.*

ANNAPOLIS.

1. Erected into a Town, Port, and Place of Trade, under the Name of *The Town Land at* Proctor's. 1683, *ch.* 5.

2. Conſtituted a Town, Port, *&c.* under the Name of *Anne-Arundel-Town*; and the Collector of the Diſtrict, and a Naval Officer, or their Deputies, conſtantly to reſide there, for the Diſpatch of Shipping. 1694, *ch.* 8.

N. B. *For the original laying out, and obtaining Property in Lots, ſee the Two laſt recited Acts.*

3. All that Parcel or Neck of Land, within *Levey-Neck* Cove, and *Acton*'s Cove, to be bought and fenced in, at the Public Charge, for the Public Uſe, when Need ſhall require, to be called the *Town-Common*; and no Inhabitants of the Town to raiſe any Stock of Cattle or Hogs, Horſes or Sheep, more than they can raiſe on their reſpective Lots. *Ibid.* §. 8.

4. One or more Places to be reſerved for Ship-Building at the Port and Town of *Anne-Arundel*: A Naval Officer to reſide there, and for the future to be called *ANNAPOLIS.* 1695, *ch.* 7.

5. *Anne-Arundel* County Court ſhall for ever hereafter, be held and kept at the Port of *Annapolis*, and at no other Place whatſoever in the ſaid County. 1695, *ch.* 2.

6. Governor *Nicholſon*, and Seven other Gentlemen, were incorporated by the Name of the Commiſſioners and Truſtees for the Port and Town of *Annapolis*, and veſted with certain Powers for keeping good Rule and Order in the Port, *&c.* 1696, *ch.* 24.

7. *Annapolis* to be the chief Place and Seat of Juſtice within this Province, for holding Aſſemblies, and Provincial Courts: And all Writs, Pleas and Proceſs, returnable to the Provincial or Court of Chancery, to be made returnable to *Annapolis*. 1699, *ch.* 19.

8. An Act directing to what Uſe the ſeveral Rooms in the Stadt Houſe ſhall be applied. 1697, *ch.* 6.

9. An Act for Re-building the Stadt Houſe, lately burnt. 1704, *ch.* 91.

10. Q. ANNE having been pleaſed, by her Royal Charter, dated the 22d *November* 1708, to erect *Annapolis* into a City and Corporation, with certain Rights, Privileges, and Immunities therein mentioned; the ſaid Charter is confirmed under the following Reſtrictions and Explanations, by the Act of 1708, *ch.* 7, §. 2.

11. The Public Lands and Buildings to remain for ever to the Uſes they have already been allotted. *Ibid.*

12. The Judges and Juſtices to continue to hold their Courts, as heretofore uſed, in the Public Court Houſe. *Ibid.*

13. The Juſtices, Commiſſioners, and Sheriffs of *Anne Arundel* County, to exerciſe their Juriſdiction as uſual, in the Port of *Annapolis*. *Ibid.*

14. The Bye-Laws of the Corporation to be wholly reſtrained to the Inhabitants and Reſidents of the City, and not to affect any others. *Ibid.* §. 3.

15. No Toll (at the Two annual Fairs, on the 1st of *May* and Feaſt of St. *Michael* the Arch Angel) to be taken for any Goods brought there to be ſold under 20*s.* Value;—if above 20*s.* and under 5*l.* Value, no more than 6*d.* Toll;—if above the Value of 5*l.* no more than 12*d.* Toll to be aſſeſſed. *Ibid.*

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ANNAPOLIS.

16. The Repreſentatives of the City of *Annapolis*, to have only Half the Wages allowed to the Repreſentatives of Counties. *Ibid.* §. 4.

17. The Right of the Rector's Three Lots, and that of the Public, to the Ground on which the Priſon now ſtands, ſecured. 1718, *ch.* 8; and 1723, *ch.* 14.

18. Commiſſioners were appointed to hear and determine all Diſputes concerning either the Property or Bounds of Lots; and their Determinations to be tranſmitted into the Secretary's Office as the indiſputable Bounds, *&c.* And Owners of Lands within the Survey of the City, were to appear before the Commiſſioners, and make good their Claim of Satisfaction for Lots, poſſeſſed by any Perſons not paid for, to be adjudged by the ſaid Commiſſioners, or be for ever debarred from any future Claim thereto. 1718, *ch.* 19, §. 2 and 3.

19. The ſaid Commiſſioners were alſo impowered, to lay out 10 Acres of the Public Paſture into 20 Lots, to be taken up, *&c.* as directed by the Act of 1694, *ch.* 8; to the taking up of which Lots, no preſent Poſſeſſor of Lots within the City had a Right till after Two Years. *Ibid.* §. 4 and 5.

20. The Commiſſioners to have a Succeſſion till the Buſineſs was compleated, and their Proceedings to be recorded in the Mayor's Court. *Ibid.* §. 6 and 7.

21. Farther Time given to the Tradeſmen, who originally took up Lots in the Addition, to improve the ſame. 1720, *ch.* 10.

22. The Lots or Parcels of Ground already purchaſed of the Proprietors, either in the Addition or Town-Paſture, ſhall be Surveyed, Numbered, *&c.* and returned into the Mayor's Court Office. The Purchaſers to have a Fee-ſimple Eſtate in ſuch Lots, and building a Dwelling Houſe with 400 Foot of Flooring, beſides Garrets or Roofs, ſhall, for every Quarter of an Acre ſo improved, enjoy all the Privileges of Inhabitants, *&c.* 1725, *ch.* 7.

23. The Rector and Veſtry of St. *Anne*'s Pariſh, enabled to Leaſe out the Church Lots. 1747, *ch.* 24.

24. Part of the Land laid out for building a Cuſtom-Houſe, was appropriated to the building of a Market-Houſe by 1728, *ch.* 9: Which the Corporation were impowered to ſell, and to purchaſe another Piece of Ground within the City, whereon to build a new Market-Houſe. 1751, *ch.* 21.

See *Conveyances*, 12. *Public Goal*, 1. *Schools*, 1—10.

ANNE-ARUNDEL COUNTY. See *Annapolis*, 5 *and* 13. *Counties*, 2. *Special Records.*

APPEAL.

1. No Execution upon Judgment obtained in the Provincial, or County, or other inferior Courts, ſhall be ſtayed, or any Appeal or Writ of Error, before the Perſon ſuing out the ſame ſhall give ſufficient Security, in double the Sum recovered, to proſecute the ſame with Effect, or pay Debt and Coſts, according to the Term preſcribed in this Act. 1713, *ch.* 4, §. 2.

2. No Perſon ſhall have Appeal, *&c.* from the County Court to the Provincial, where the Debt or Damages recovered, do not amount to 6*l.* Sterling, or 1200 ℔ Tobacco. *Ibid.* §. 3.

3. Nor from the Provincial Court to the Governor and Council, where the Recovery does not exceed 50*l.* Sterling, or 10,000 ℔ Tobacco. *Ibid.*

4. The Method of Proſecuting Appeals, and Writs of Error, ſhall be as followeth: The Appellant ſhall procure a Tranſcript of the Proceedings, under the Hand of the Clerk, and Seal of the Court from whence he Appeals, *&c.* and cauſe the ſame to be tranſmitted to the Court before whom ſuch Appeal, *&c.* is to be heard; and file ſuch Errors in the Proceedings, or Cauſe of Appeal, as he ſhall think fit to aſſign; and the Court ſhall give Judgment upon ſuch Tranſcript, *&c.* *Ibid.* §. 4.

5. Appeals made in Manner aforeſaid, ſhall be admitted by the ſuperior Court, in Nature of a Writ of Error. *Ibid.* §. 5.

APPEAL.

6. On demand of an Appeal, the Clerk of the Court ſhall enter a Memorandum thereof, both in the Proceedings and Records. And ſuch Clerk refuſing to make out a Tranſcript of the Proceedings (on Requeſt of any Appellant) ſhall be liable to the Damages ſuſtained by the Appellant, by ſuch Refuſal or Delay, ſuch Party paying or ſecuring the Clerks legal Fees. *Ibid.*

7. Appeals, *&c.* brought before the Governor and Council, may be heard out of Aſſembly Time. *Ibid.* §. 6.

8. In caſe the Governor be Abſent, or a Party in any Appeal, *&c.* from the Provincial Court, the Council and Preſident alone may determine. *Ibid.* §. 7.

9. In caſe the Governor and Preſident be both abſent from the Court of Appeals, the Senior Councillor, then preſent, ſhall preſide, and the Judgment of thoſe preſent ſhall be effectual, provided there be Five Members of the Court preſent. 1729, *ch.* 3, §. 2.

10. Appeals from the Court of Chancery to the Court of Appeals, ſhall be ſubject to the ſame Regulations, *&c.* as Appeals from the Courts of Common Law are. *Ibid.* §. 3.

11. No Appeal, *&c.* ſhall be allowed any Attorney, from the Judgment of the County Court, when ſued for iſſuing Criminal Proceſs, without Preſentment of the Grand Jury, an Order from the Governor in Council, or Order of the County Court appearing upon Record. 1715, *ch.* 48, §. 2.

12. All Perſons, againſt whom any Sentence or Decree in the Prerogative Court ſhall be made, ſhall be allowed Thirty Days to enter an Appeal therefrom, and Thirty Days more to proſecute the ſame before a Court of Delegates; whoſe Sentence therein ſhall be final. 1726, *ch.* 9. §. 2; and 1715, *ch.* 39, §. 27.

13. Perſons, thinking themſelves aggrieved by any Decree in Chancery, may appeal to the Governor in Council: Wherein each Member ſhall have a full Voice. 1721, *ch.* 14, §. 3.

14. Appeals or Writs of Error may be continued in the High Court of Appeals for the full Term of Two Years, from the End of the Appearance Court, and no longer. 1730, *ch.* 16.

15. Appeal may be had from any Veſtry Proceedings to the Governor and Council. 1702, *ch.* 1. §. 20. See *Veſtry*, 24.

See *Attorneys*, 6. *Indians*, 6. *Indians Lands*, 18. *Prerogative Court*, 3, 4. *Small Debts*, 7, 8. *Veſtry*, 24.

APPEARANCE.

Any Perſon, ſued in the Provincial or County Court, may come into Court in Perſon, and after Special Bail given, (if ſo adjudged) may appear and imparle, or confeſs Judgment. 1716, *ch.* 20, §. 2.

APPRAISEMENT. See *Adminiſtrators*, 13, 25. *Fieri Facias*, 1—5. *Guardians*, 9—11.

APPRENTICES. See *Orphans*, 3, 10—13. *Servants*, 20.

ARMS. See *Preſs-maſters*, 7. *Public Arms*, per Tot.

ARRESTS.

1. No Inhabitant of this Province ſhall be arreſted for Debt, Damage or Coſt, out of the County where he reſides, before a *Non-eſt*, on a Writ iſſued at the Requeſt of the Plaintiff, be returned. 1728, *ch.* 24, §. 2.

2. In caſe of ſuch Arreſt, on a *Capias ad reſpondendum*, the Plaintiff ſhall ſuffer a Non-ſuit, with Coſts and Damages. *Ibid.* §. 3.

3. If taken in Execution, contrary to this Act, the Defendant ſhall be diſcharged from Impriſonment, and have his Damages, *&c.* diſcounted out of the Judgment obtained againſt him. *Ibid.*

4. But Perſons abſconding, or flying from Juſtice, may be arreſted in any County. *Ibid.* §. 7.

See *Attorneys*, 10. *Muſters*, 10. *Suits at Law*, 1.

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ASSAULT and Battery. See *Cursing*, &c. 7. *Limitation of Actions*, 2.

ASSEMBLY. See *Acts of Assembly*, per Tot. *Agents*, 2. *Annapolis*, 7. *Bridges*, 3. *Delegates*, per Tot. *Journals of Assemblies*, per Tot. *Levies*, 8. *Militia*, 7. *Naturalization Bills*, 1. *Parochial Libraries*, 1. *Prison*, 1. *Public Charges*, 7. *Records*, 6. *Small Provincial Charges*, per Tot. *Taxes*, 1. *War*, 1.

ASSIGNMENT of Bonds. See *Advancement of Justice*, 8, 9. *Bankrupts*, 4. *Records*, 5. 1762. §. 9. 10. 11.

ASSIZE COURT. See *Negroes*, 39.

ASSUMPTION. See *Discount in Bar*, per Tot. *Limitation of Actions*, 5.

ATTACHMENT.

1. No Attachment shall issue out of any Court of this Province, where the Defendant is an Inhabitant or Resident within the same, before Two successive Writs against such Defendant, have been returned *Non-est*. 1715, *ch.* 40, §. 2.

2. But in case the Defendant be absent out of the Province, then one Writ being returned *Non-est*, by the Sheriff, and the Plaintiff leaving a Copy of his Declaration, or short Note expressing the true Cause of Action, either with the Defendant's Attorney, (if he hath one) or at the Defendant's late Dwelling-House, (if he hath left no Attorney) and making Proof (*See below*, Art. 10, 11,) of his Action; the Court shall award an Attachment against the Goods, &c. of such absent Defendant, so prosecuted, and not appearing to the Action. Which Attachment may be laid on such Goods, &c. in the Plaintiff's own, or any other Person's Hands whatsoever. *Ibid.* §. 3.

3. In such Attachment shall be a Clause commanding the Sheriff to make known to the Persons in whose Hands the Effects are attached, to appear on the Return of the Attachment before the Court, to shew Cause, why such Goods, &c. shall not be condemned, &c. And, in Default of such Appearance in the Defendant and Garnishee in whose Hands they were attached, the Goods, &c. shall be condemned, &c. the Plaintiff giving Security in Court for the Use of the Defendant, to make Restitution of the same, or the Value, if such Defendant shall, within a Year and a Day from the awarding of the Attachment, by himself or Attorney, appear to the original Action, and prove Payment, or otherwise in Court discount or bar the Plaintiff of the Whole or Part. *Ibid.*

4. Such Condemnation, &c. of the Effects shall be pleadable in Bar by the Garnishee, in any Action brought by the said Defendant for the same. *Ibid.*

5. No Sheriff shall execute more against the Garnishee than the Plaintiff's Debt and Cost; nor than what the Plaintiff shall make appear in Court to be the Goods, &c. of the Defendant: With such Costs only as such Garnishee shall put the Plaintiff to by denying himself to be indebted to the Defendant, and contesting the same. *Ibid.* §. 4.

6. No Sheriff, shall Attach, &c. the Goods, &c. of any Inhabitants, so as to deprive them of all future Livelihood: But Corn, for necessary Maintainance, Bedding, Gun, Ax, Pot, Labourers necessary Tools, and such like Houshold Implements, and Ammunition for Subsistence, shall be protected from all Attachments and Executions whatsoever. *Ibid.* §. 5.

7. But such as wilfully abscond from the Sheriff, or are absent by Flight or Proscription, out of the Province, (to be averred upon Oath) shall have no Benefit of any favourable Interpretation of this Law. *Ibid.* §. 6. (*See also below*, Art. 9.)

8. The Plaintiff, in any Judgment obtained, may, instead of any other Execution, without the previous Requisites above mentioned, (*Art.* 1, 2,) take out Attachment against the Effects of the Defendant, in which shall be a Clause of *Scire facias*, (*as in* Art. 3.) And, in Default of Appearance in the Defendant and Garnishee, to shew Cause to the contrary, the Court

shall condemn the Goods, &c. Which Condemnation and Execution of the Effects in the Hands of any Garnishee, shall be pleadable by such Garnishee in Bar, in any Action brought by the Defendant for the same. *Ibid.* §. 7.

9. Any Provincial or County Justice, being informed by Oath of one creditable Witness, or other probable Way, "That any Person is actually run away, or removed in a secret Manner from his Abode, and hath carried, or is about to remove any Part of his Substance, to deceive his Creditors, or abscond from Justice;" and it being made appear to such Magistrate, that such Runaway or absconding Person is really indebted to the Person making Application, and how much, may issue his Warrant to the Clerk of the Court, who shall issue Attachment thereon for the Debt, &c. so proved, and the incident Cost, for such Creditor against such Runaway or absconding Person. And the same Proceeding shall be had thereon, and Security given as directed (*See* Art. 3,) by the foregoing Act. 1729, *ch.* 8. §. 2 and 3.

10. But the Creditor producing any Bond, Bill, &c. or other Writing, under Hand and Seal, or Hand of such absconding Person, shall first make Oath, &c. that the Whole, or Part thereof if any Payment hath been made, remains really and *bona fide*, due and owing to such Creditor. *Ibid.* §. 4.

11. And if the Debt be on Account, or Book-Debt, it shall be Proved: Which Account and Probat shall be lodged with the Clerk of the Court before Attachment shall issue. *Ibid.*

See *Administrators*, 2, 3, 24, 25. *Guardians*, 15. *Intestates Estates*, 7. *Orphans*, 8. *Prerogative Court*, 4. *Small Debts*, 1.

ATTORNEY-GENERAL. See *Boundaries*, 3. *Navigation Bonds*, per Tot. *Process Criminal*, 1. *Records*, 6. *Thieving*, 6.

ATTORNEYS.

1. No Magistrate, Sheriff, Deputy-Sheriff, Clerk, or Deputy-Clerk, shall Plead as an Attorney in the Court wherein he bears Office, on Penalty of 3000 lb Tobacco, for every Offence whereof he shall be convicted: One Half to the Support of Government, the other Half to the Informer. 1715, *ch.* 41, §. 9.

2. No Person shall Practice the Law in any Court of this Province, without being admitted thereto by the Justices of such Court; who have Power to admit, and also to suspend them, *Salvo Jure Coronæ*. 1715, *ch.* 48, §. 12.

3. No Court shall admit any Person to practice as an Attorney therein, who has already been refused so to do by the Governor and Council; nor to any Person who shall not qualify himself by taking the Oaths to the Government. *Ibid.* §. 13.

4. The Attorney-General, Clerk of the Indictments, or other Attorney, issuing out any Criminal Process, without Presentment of the Grand Jury, or a special Order of the Governor in Council, or of the Court, appearing upon Record, shall forfeit, if in the Provincial Court, 5000 lb Tobacco; if in any County Court, 2500 lb Tobacco: One Half to the Support of Government, the other Half to the Informer. Nor shall any Appeal, &c. be allowed the Offender from the Judgment of the County Court. *Ibid.* §. 1, 2. See *Process Criminal*, 2.

5. On Presentment of the Grand Jury, in any County Court, for Breach of any Laws, (except the Act of 1715, *ch.* 26, for speedy Trial of Criminals, &c.) if the Party presented submits, the Clerk of the Indictments shall have, for his Fee, 100 lb Tobacco. But, if the Bill of Indictment be drawn, and the Party Traverse, the Clerk of the Indictments shall have 200 lb Tobacco. *Ibid.* §. 6.

6. To every Attorney in a County Court, for bringing, prosecuting or defending any Action to final Judgment, Agreement, or other End thereof, shall be paid

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ATTORNEYS.

paid 100lb Tobacco, except where the Debt or Damage recovered be upwards of 2000lb Tobacco, or 10l. Sterling, in which Case he shall have 200lb Tobacco. For prosecuting or defending any Cause, Plaint or Action, in the Provincial Court, to final Judgment, &c. 400lb Tobacco. For any Fee in the Chancery or Admiralty Court, 600lb Tobacco. For any Fee in the Commissary's Court, 400lb Tobacco. For any Fee upon Writ of Error or Appeal, before the Governor and Council, 600lb Tobacco. To the Attorney-General, for any Action in the Provincial Court at the Suit of the Crown, Indictment, Presentment, or Information, 400lb Tobacco, and no more. Any Practitioner of the Law, demanding or receiving more than herein limited, shall be incapable of practising the Law in any Court in this Province for the future. *Ibid.* §. 7, 8.

7. Attorneys Fees, by this Act, are levyable by Execution, and the Sheriffs are obliged to levy and execute the same accordingly. *Ibid.* §. 10.

8. All Bills, Bonds, or other Specialties, taken by an Attorney or County Clerk, shall be indorsed for what, or how they became due; or, in Default thereof, shall be void. *Ibid.* §. 9.

9. Attorneys neglecting their Clients Cause, the County Courts (when the lawful Costs accruing by such Negligence do not exceed 400lb Tobacco) are impowered to adjudge the Attorney to pay the same. But if above 400lb Tobacco, the Client shall be left to his Remedy at Common Law. 1722, *ch.* 12, §. 4.

10. Attorneys practising in any County Court, are liable to Actions in that County, as if they were actual Inhabitants thereof. *Ibid.*

11. For the Attorney's Fee in Causes of Equity, in the County Court; see *Advancement of Justice*, 9.

12. No Attorney shall Charge more than one Fee, on any Bond whatsoever, altho' there be one or more Sureties thereto, for suing or bringing the same to Judgment, or for Defence thereof; rating the Fees from the real Balance due, and not from the Sum mentioned in the Condition. 1747, *ch.* 23, §. 7.

13. On Discontinuance of Action thro' Default of any Attorneys neglecting to bring the Cause to Decision within the Time limited in this Act, such Attorney, so neglecting, to the Prejudice of his Client, shall forfeit in the Provincial Court, 5000lb Tobacco, and in a County Court, 2000lb Tobacco, with all Costs accruing by such Default: One Half of which Fine to the Party grieved, the other Half to his Lordship, for the Use of the County School. 1721, *ch.* 14, §. 1.

See *Advancement of Justice*, 4. *Appeal*, 11. *Continuance of Actions*, 2. *Foreign Debts*, 4. *Magistrates*, 1. *Navigation Bonds*, 2. *Officers Fees*, 1, 2. *Process Civil*, 1. *Special Bail*, 2, 3. *Specialties*, 1.

AUDITA QUERELA. See *Advancement of Justice*, 7. *Bonds*, 2. *Tobacco Debts*, 3.

B.

BACON, BEEF, PORK.

1. ALL Persons, not being Inhabitants, *(See below*, Art. 6 *and* 7,) exporting any Pork, Beef, or Bacon, shall pay the several Imposts following, (to be employed towards maintaining Feee-Schools within this Province) *viz.* For dried Beef or Bacon, 12*d.* per C. wt. and so in Proportion for a greater or lesser Quantity: For Pork or Beef undried, 12*d.* *per* Barrel, containing 200 wt. And no undried Beef or Pork shall be exported but in Cask as aforesaid. 1704, *ch.* 27, §. 1 and 5.

2. The said Impositions to be collected by the several Naval Officers, who shall account annually for the same to the Public Treasurers, and the Treasurers render Account thereof to the General Assembly. *Ibid.*

BACON, BEEF, PORK.

3. Non-Residents *(See below*, Art. 6 *and* 7,) Shipping any Beef, Bacon, or Pork, before Duty paid, or Caution given, and Certificate thereof obtained from the Naval Officer; or Shipping any Beef or Pork undried, not being in Cask as aforesaid, shall forfeit all such Meat, &c. One half to the Use of the Free-Schools, the other to the Informer. *Ibid.* §. 2 and 6.

4. Naval Officers are impowered, on Suspicion, to enter any Ship, &c. and Search for any such Goods for which no Duty is paid, &c. and the same to seize and have condemned according to this Law. *Ibid.* §. 4 and 5.

5. Any Master of a Ship or Vessel convict of taking on board any Beef, Bacon, or Pork, contrary to the Meaning of this Act, shall forfeit 500lb Tobacco; one Half to the Use of the Schools, the other to the Informer. *Ibid.* §. 7.

6. All Persons Trading to and from this Province, shall be deemed Non-Residents, not having a seated Plantation of 50 Acres at least, where they, with their Families (if any) have resided for One whole Year next before any Benefit claimed under this Act; or having a House in some Port or Town, as their own proper Freehold, 40 Feet in Length, and 20 Feet in Breadth, with two Brick Chimneys, wherein such Person hath dwelt for One whole Year as aforesaid. Nor shall any such Persons, having Houses in any Town, &c. enjoy such Benefit, longer than they and their Families shall actually reside in such Town, &c. *Ibid.* §. 8.

7. Persons Trading directly from *England* to this Province, shall not be deemed Foreigners, but have equal Privilege, in the Exportation of Meat dried or undried, with the Inhabitants of this Province. *Ibid.* §. 9. See *Gauge of Barrels*.

BAIL. See *Special Bail*.

BAIL BONDS.

The Sheriff shall not, in any Action of Trespass, take a Bail Bond exceeding 8000lb Tobacco, where no Declaration is sent with the Writ, although the Damages be laid for any greater Sum whatsoever than 4000lb Tobacco, on Penalty of 4000lb Tobacco; one Half to the Support of Government, the other Half to the Party grieved. 1715, *ch.* 46, §. 3.

BALLAST.

Ballast shall not be unladen, or cast out of any Ship or other Vessel, any where above *Cedar* Point in *Chesapeak* Bay, nor into any River, &c. below High Water Mark, on Forfeiture of 50*l.* Currency. 1735, *ch.* 16, §. 2. See *Harbours*.

BANISHMENT. See *Coins*, 1. *Seals*, 1.

BANKRUPTS.

1. The Factors or Agents in *Maryland* (of Persons who have imported Goods into the Province, and are become Bankrupts in *England*) who have not accounted for such Cargoes to their Principal, before Action of Account brought against them, or legal Demand thereof by the Commissioners of Bankrupts, shall be accountable to such Commissioners, as to their Principals: And such Commissioners shall have the same Right to such Goods, &c. as they have to any Goods of such Bankrupt in *England*. 1704, *ch.* 29, §. 1.

2. But no such Commission shall be executed, before the Factors of such Commissioners of Bankrupt shall have put in good Security, to satisfy the Debts contracted in this Province by such Bankrupts or their Factors, after Importation of such Cargoes. *Ibid.* §. 2.

3. No Assignment, Assurance, Conveyance, &c. whatsoever, of any Goods, Chattels, Effects, Lands, &c. (executed by Persons Trading to this Province, and residing in *Great-Britain*, or elsewhere out of this Province, at the Time of executing the same) shall be of any Force in Law or Equity, till the Person to whom such Assignment, &c. is made, or his Agent or Attorney

ney in Fact, ſhall give his Bond (with ſuch Security as the Chancellor ſhall approve of) to ſatisfy all Debts due from the Aſſignor or Conveyor at the Time of giving Bond, to any Reſidents of this Province, ſo far forth as the Goods, *&c.* ſhall come into the Poſſeſſion of ſuch Agent or Attorney. 1753, *ch.* 36, §. 1.

4. The Bond (ſo entered into according to the foregoing Article) ſhall be lodged with the Regiſter of the Court of Chancery, and kept among the Records of the ſaid Court: And every Creditor of the Aſſignor, reſiding within this Province, may, on Application to the Chancellor for Aſſignment of ſuch Bond, put the ſame in Suit againſt the Aſſignee or his Sureties, for Neglect or Refuſal of Payment. *Ibid.* §. 2.

5. Such Bond ſhall not be pleadable after the Debt or Thing in Action ſhall be above Three Years ſtanding: Except Perſons under the Impediments of Infancy, Coverture, Inſanity of Mind, Impriſonment, or beyond Seas, who ſhall have the full Benefit of ſuch Bond for Three Years after ſuch Impediment removed. *Ibid.*

BANS. See *Marriage.*

BAPTISM. See *Negroes*, 2.

BARRELS. See *Gauge of Barrels.*

BASTARD-BEARING WOMEN-SERVANTS. See *Servants*, 15.

BASTARD CHILD. See *Fornication*, 6. *Servants*, 15, 22.

BASTARD MULATTOES, begot by White Perſons. See *Mulattoes.*

BEARS.

1. An Allowance in the County Levy of 100 ℔ Tobacco ſhall be made for every Head of a Bear, killed in *Somerſet* County, which ſhall be brought to any Juſtice of the ſaid County; which Juſtice ſhall cauſe the Ears thereof to be cut off, and the Tongue to be cut out; and grant a Certificate thereof to the Party producing the ſaid Head. 1728, *ch.* 12, §. 1.

2. But no Juſtice ſhall grant Certificate for any Bear's Head, (unleſs killed by an *Indian*,) till Oath be made, that the Bear was killed in the ſaid County: Nor for the Head of a Bear killed by an *Indian*, unleſs it be entire, and appear to be green and freſh killed. *Ibid.* §. 2.

3. The above Act is continued without Limitation, by 1732, *ch.* 9.

4. *Worceſter* County being erected out of *Somerſet* County in the Year 1742, an Act was paſſed to encourage the deſtroying of Bears in *Worceſter* County, to the ſame Effect with the above, *mutatis mutandis.* 1744, *ch.* 1.

BEEF. See *Bacon. Gauge of Barrels.*

BEYOND SEAS. Perſons beyond Seas are excepted out of ſeveral Acts, and Cauſes of Limitation, *&c.* for which, ſee *Adminiſtration Bonds*, 3. *Bankrupts*, 5. *Country-Bottoms*, 4. *Limitation of Actions*, 3, 6, 7, 8. *Specialties*, 2.

BIGAMY.

The *Engliſh* Statute of 1 *Jac.* I. againſt Bigamy, declared to be in Force within this Province. 1706, *ch.* 8, §. 1.

BILLS OF COST.

1. The Clerks of the ſeveral Courts of Record, Regiſter of the Court of Chancery, and Regiſter of the Commiſſary's Court, ſhall deliver to the Defendants, if required, full Copies, in a fair legible Hand, of all Coſts of Suit recovered of ſuch Defendants. 1731, *ch.* 15, §. 3.

2. Any Clerk or Regiſter, refuſing ſo to do, ſhall forfeit 2000 ℔ Tobacco; one Half to the Public School of the County, the other Half to the Informer. *Ibid.*

3. Clerks, *&c.* in Taxing Coſts, ſhall deduct the ſame Allowance for Convenience (See *Fees*, 3,) as ought to be made by the reſpective Officers; nor ſhall Execution iſſue for more than ſuch Coſts amount to after ſuch Deduction. 1763, *ch.* 18, §. 26.

4. Where Plaintiff or Defendant in any Suit ſhall have Judgment for Coſts, and hath paid the ſame in Gold and Silver as regulated by this Act; the Party againſt whom ſuch Judgment is rendered, may diſcharge the Whole, or ſuch Part thereof, as the oppoſite Party really and *bona fide* paid in Gold and Silver as aforeſaid. *Ibid.* §. 117.

BILLS OF EXCHANGE.

1. Bonds for Payment of Bills of Exchange ſhall not be ſued in any other than the County Court, unleſs the Sum due on ſuch Bill of Exchange, amounts to 20*l.* Sterling. 1714, *ch.* 4, §. 4.

2. Where a Drawer or Indorſer of any Proteſted Bill of Exchange is ſued, no more than one lawful Fee ſhall be demanded or taken by the Attorney proſecuting or defending ſuch Action, tho' there be Two or more Indorſers and the Drawer ſued. And the Plaintiff may, at his Election, declare againſt ſuch Defendants in one or more Declarations on the ſame Writ. *Ibid.* §. 6.

3. No more than 20 per Cent Damages, with Coſts, ſhall be allowed on any Proteſted Bill of Exchange whatſoever. 1715, *ch.* 7, §. 1.

4. Bills of Exchange Proteſted, and returned into the Province within Four Years after the Date, ſhall be of equal Nature with Specialties, and regarded as ſuch by Executors and Adminiſtrators, on timely Notice thereof. *Ibid.* §. 2.

5. Bills of Exchange returned Proteſted within 18 Months from the Date, ſhall be allowed no more than 15 per Cent Damages. *Ibid.* §. 3.

See *Advancement of Juſtice*, 5. *Suits at Law*, 4.

BIRTHS, Burials and Marriages, are to be regiſtered with the Veſtry Clerk. 1702, *ch.* 1, §. 10. See *Veſtry*, 13—16.

BLASPHEMY.

1. Perſons convict of (wittingly, maliciouſly and adviſedly, by Writing or Speaking) Blaſpheming or Curſing GOD, or of denying our Saviour JESUS CHRIST to be the SON OF GOD, or denying the HOLY TRINITY, or the GODHEAD of any of the THREE PERSONS, or of the UNITY OF THE GODHEAD, or of uttering any profane Words concerning the HOLY TRINITY, ſhall, for the Firſt Offence, be bored through the Tongue, and be fined 20*l.* Sterling, to the Uſe of the County: And in caſe the Fine cannot be levied on the Offender's Body, Goods, Lands, *&c.* ſhall ſuffer Six Months Impriſonment, without Bail. 1723, *ch.* 16, §. 1.

2. For the Second Offence, the Offender ſhall be ſtigmatized in the Forehead with the Letter B, and fined 40*l.* Sterling, to the Uſe aforeſaid: And in caſe the Fine cannot be levied, *&c.* ſhall ſuffer Twelve Months Impriſonment, without Bail. *Ibid.*

3. And, for the Third Offence, ſhall ſuffer Death, without Benefit of Clergy. *Ibid.*

4. Informations for Blaſphemy ſhall be made within One Month after the Fact. *Ibid.* §. 13.

BOATS.

1. Perſons Stealing any Ship, Sloop, or other Veſſel, within the Body of any County, of 17 Feet Keel or upwards, and carrying the ſame above Ten Miles from the Place where Stolen, or who ſhall counſel, hire, aid, abet, or command any Perſons to commit the ſaid Offence, or who ſhall be acceſſory to the ſame, ſhall, on Conviction, Outlawry, ſtanding Mute, or challenging above Twenty on the Jury, ſuffer Death, without Benefit of Clergy. 1737, *ch.* 2, §. 4.

2. Perſons convicted of wilfully Burning any Ship or other Veſſel, Sloop, Shallop or Boat, of 17 Feet Keel or upwards, and their Aiders or Abettors, ſhall ſuffer Death, without Benefit of Clergy. 1744, *ch.* 20, §. 2.

3. Perſons

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BOATS.

3. Perſons diſcovering, taking up and ſecuring, any Flat, Boat, or other Veſſel, drove from any Place of Mooring, Landing, Harbour, *&c.* ſhall, within Ten Days, give Notice thereof to ſome Magiſtrate of the County, who ſhall deliver the Party an Advertiſement deſcribing the Built and Marks of ſuch Flat, *&c.* and the Name of the Perſon ſo diſcovering, *&c.* and the Place of his Abode: Copies whereof ſuch Party ſhall cauſe to be ſet up in the moſt public Places in the County, within Ten Days, and procure the ſame to be inſerted in the MARYLAND GAZETTE, within Thirty Days after Date thereof; and deliver the ſame to the Owner, (proving Property before a Magiſtrate) on Payment of reaſonable Coſts and Charges for the ſame. 1753, *ch.* 10, §. 2.

4. Perſons taking up ſuch Flat, *&t.* and not performing what is by this Act required, ſhall forfeit and pay to the Owner 50 Shillings Currency, to be recovered in a ſummary Way before a ſingle Magiſtrate. *Ibid.* §. 3.

5. But, if ſuch Flat, *&c.* be taken up on the Eaſtern Shore, in the Winter Seaſon, ſo that by Reaſon of Ice no Intercourſe may be had with the City of *Annapolis*, then may the Perſon taking up the ſame, cauſe ſuch Advertiſement to be inſerted in the GAZETTE, within Thirty Days after ſuch Obſtruction removed. *Ibid.* §. 4.

BOATSWAIN. See *Tobacco Inſpected*, 3.

BODIES POLITIC. See *Annapolis*, 10. *Schools*, 2, 18—20. *Veſtries.*

BONDS.

1. The Oath of One or more ſubſcribing Witneſſes to any Bill or Bond, made before One Provincial or County Magiſtrate, or any other legal Evidence, ſhall be Evidence to prove the Debts in the Provincial and County Courts. But the Defendant, if he thinks fit, may traverſe ſuch Proof. 1729, *ch.* 20, §. 7 and 8.

2. No Attorney ſhall charge more than One Fee, on any Bond whatſoever, although there be One or more Sureties thereto, for ſuing or bringing the ſame to Judgment, or for Defence thereof, rating the Fees from the real Balance due, and not from the Sum mentioned in the Condition. 1747, *ch.* 23, §. 7.

3. No County-Clerk ſhall iſſue more than One Writ or Declaration on ſuch Bonds, where the Principal and Sureties reſide in the ſame County; but, in ſuch Caſe, One Action only ſhall be founded on ſuch Bond; which ſhall not abate during the Life of any of the Defendants. And the Clerk's Fees ſhall be charged accordingly. *Ibid.* §. 8.

4. But where the Principal and Sureties live in different Counties, ſeparate Proceſs may iſſue thereupon out of the Provincial Court. But where any Two Parties to ſuch Bond reſide in the ſame County, One Writ only ſhall iſſue to ſuch County, including both the Defendant's Names, and the Fees thereon, ſhall be chargeable as One Suit only. *Ibid.* §. 9.

5. This Act ſhall not extend to any Action or Suit where the Plaintiff ſhall direct his Attorneys to commence ſeveral Actions; or where a Titling ſhall be ſent to the Office for ſuing of ſeveral Writs to the ſame Bond. *Ibid.* §. 10.

See *Adminiſtration Bonds*, per Tot. *Adminiſtrators*, 16—19. *Advancement of Juſtice*, 5—9. *Attachment*, 10. *Attorneys*, 8, 12. *Bankrupts*, 3—5. *Bills of Exchange*, 1. *Diſcount in Bar*, 1, 2. *Foreign Debts*, 2. *Judgment Bonds*, 1. *Limitation of Actions*, 6. *Sailors*, 1. *Suits at Law*, 2—4. *Tobacco-Debts*, 3—6. *Uſury*, 2.

BOOK-DEBTS;

1. ——Shall be Demanded before put in Suit. See *Demand of Debts.*

2. ——Shall be Proved. See *Accounts.*

See alſo *Attachment*, 11. *Limitation of Actions*, 1. *Tobacco-Debts*, 2.

BOOTY. See *Militia*, 9.

BOUNDARIES OF LAND.

1. No Perſon ſhall, on any Pretence whatſoever, cut down or deſtroy any Boundary-Tree, either of his own or any other Perſon's Land, even although ſuch Boundary Tree ſhould ſtand within his own Land, on Penalty of 5000 lb Tobacco for every Offence; One Half to the Informer, the other Half to the Free School of the County. 1722, *ch.* 8, §. 2.

2. Any Perſon preſuming, without lawful Authority, to bound any Tree, or to ſet up other Boundaries, for his own or others Lands, in Lieu of any original decayed Boundary, without giving Notice to all Perſons concerned therein, of the Time and Place propoſed for ſetting up ſuch Boundary: Or who (upon their not appearing on ſuch Notice) ſhall not take with him Four ſubſtantial Neighbouring Free-holders to be preſent thereat, ſhall forfeit on every Conviction, 5000 lb Tobacco to the Uſes aforeſaid. *Ibid.* §. 3.

3. In all ſuch Proſecutions, the Attorney-General, *&c.* ſhall be as particular as poſſible in deſcribing the Place, or Lands affected by the ſetting up or deſtroying ſuch Boundaries. *Ibid.* §. 4.

4. On Petition of any Land-holder for a Commiſſion to examine Evidences to prove the Bounds of his Land, or other Lands whereon the ſame may depend, *&c.* the County Court may grant a Commiſſion to Four ſubſtantial Free-holders in the County, no way related to the Parties, nor intereſted in the Land; any Three or Two of which (being firſt ſworn duly and impartially to examine and certify ſuch Evidences) may ſummon all ſuch Evidences as ſhall be nominated by the Petitioner or others concerned, to appear before them at a Day appointed, upon the Land; and ſhall examine all ſuch Evidences upon Oath, concerning the Bounds thereof, and reduce ſuch Evidences into Writing, in Preſence of all the Parties concerned who ſhall be preſent; and return the ſame to the County Court, to be recorded in perpetual Memory, *&c.* 1723, *ch.* 8, §. 2.

5. All Examinations ſo taken, ſhall be good as if taken according to the Rules and Practice in Chancery; any Defect in Form, *&c.* notwithſtanding. *Ibid.* §. 3.

6. The Commiſſioners ſo appointed, ſhall affix public Notice, at the Pariſh Church where the Land lies, intimating the Time and Intention of their Meeting, Three Sundays at leaſt before ſuch Meeting: And the like Notice ſhall be put up at the moſt public Places of the County, Twenty Days before ſuch Meeting. *Ibid.* §. 4.

7. Where any Perſon known to be intereſted, lives out of the County, a like Note ſhall be fixed upon the Church Door of the Pariſh wherein ſuch Party reſides, Forty Days before ſuch Meeting. *Ibid.*

8. The Commiſſioners ſhall return Certificate of ſuch Notice having been given, together with the Examination of the Witneſſes. *Ibid.*

9. The Commiſſioners and Evidences ſhall have the ſame Allowance, as Juſtices and Evidences in the County Courts; to be levied in the ſame Manner as Officers Fees. *Ibid.* §. 6.

BOUNDS. See *Counties. Pariſh Bounds.*

BRANDING. See *Blaſphemy*, 2. *Coins*, 1. *Negroes*, 43. *Thieving*, 6.

BRANDY. See *Liquors Imported.*

BREAD. See *Flour.*

BREAKING open of Shops, Stores, *&c.* See *Houſe-Breaking.*

BRIDGES.

1. Good ſubſtantial Bridges ſhall be made in Public Roads, over all Heads of Rivers, Creeks, Branches, and Swamps, where Need ſhall require, at the Diſcretion of the County Courts. 1704, *ch.* 21, §. 2.

2. Overſeers of the Roads are impowered to cut down any Trees on the adjacent Lands, and apply the ſame for the making and repairing of Bridges over

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BRIDGES.

Heads of Rivers, Creeks, &c. and other low and miry Places. But no Trees fit for Clap-board or Cooper's Timber ſhall be cut down, nor any Trees for the building or repairing of any Bridges maintained at the Public or County Charge. 1724, *ch.* 14, §. 2 and 3.

3. The County Courts ſhall not levy above 8000 lb Tobacco at any One Time, for the compleat Repairing of any One Bridge: Nor above 20,000 lb Tobacco for the Erecting and Building of any one new Bridge in any one County; if more be adjudged neceſſary, they muſt apply to the General Aſſembly for Leave to levy the ſame. 1748, *ch.* 20, §. 3.

4. Owners of Water-Mills built on any Branch, &c. where any Public Road croſſes, ſhall make and maintain good and ſufficient Bridges, &c. 1753, *ch.* 16, §. 2; and 1756, *ch.* 12, §. 2, 3. See *Water-Mills*, 6 *and* 7.

See alſo *High-Ways*, 1, 12—15. *Levies*, 6, 7.

BURGESSES. See *Delegates*.

BURGLARY, not to be tried in the County Court. 1715, *ch.* 26, §. 1.

BURIALS. See *Births*.

BURNING of BOATS. See *Boats*, 2.

BURNING of COURT-HOUSES. See *Court-Houſes*, 15.

BURNING of DWELLING-HOUSES, how puniſhable in Slaves. See *Negroes*, 34, 37, 38.

BURNING of PUBLIC WAREHOUSES. See *Warehouſes*, 12, 13.

BURNING of TOBACCO. See *Tobacco-Houſes*, 1.

BURNING of TOBACCO-HOUSES. See *Negroes*, 38. *Tobacco-Houſes*, 1.

BUYERS of STOLEN HORSES. See *Horſe-Stealers*.

BYE-LAWS. See *Annapolis*, 14. *Schools*, 3, 20.

C.

CANONS.

THE Bye-Laws, Rules, &c. made by the Governors and Viſitors of Free-Schools, ſhall be no ways contrary to the Canons of the Church of *England*. 1696, *ch.* 17, §. 7; and 1723, *ch.* 19, §. 6. See *Schools*, 3, 20.

CASE. *See Limitation of Actions*, 1, 2.

CASK. See *Flour*. *Gauge of Barrels*. *Inſpectors*, 21.

CATTLE. See *Annapolis*, 3. *Guardians*, 7. *Negroes*, 30. *Rangers*, 1. *Warehouſes*, 3.

CERTIFICATE LANDS.

Lands Surveyed by any Lawful Surveyor, by virtue of his Lordſhip's Warrant, within Five Years paſt, at any Time before the 10th *July* 1689, and no Patent as yet granted for the ſame, ſhall, on Proof thereof by the Surveyor's Certificate, &c. and Record in the County Court, within Twelve Months after the Publication of this Act, be held by the Perſons to whom ſuch Warrants were granted, in Fee-ſimple, as fully as if Patent from his Lordſhip had been granted for the ſame. 1692, *ch.* 8.

CHALLENGE PEREMPTORY. See *Boats*, 1. *Negroes*, 35, 37.

CHANCERY.

1. No Suit to be brought into Chancery, wherein the original Debt or Damages doth not amount to 1201 lb Tobacco, or 5 *l.* 0 *s.* 1 *d.* in Money. 1715, *ch.* 41, §. 7.

2. Perſons, thinking themſelves aggrieved by any Decree in Chancery, may appeal to the Governor in Council, wherein each Member ſhall have a full Voice. 1721, *ch.* 14. §. 3.

3. Appeals from the Court of Chancery to the Court of Appeals, ſhall be ſubject to the ſame Regulations, &c. as Appeals from the Courts of Common Law. 1729, *ch.* 3, §. 3.

See *Adminiſtration Bonds*, 1. *Advancement of Juſtice*, 4. *Annapolis*, 7. *Appeals*, 10, 13. *Bankrupts*, 3, 4. *Injunctions*, 1, 2.

CHIEF JUSTICE of the County. See *Indians*, 11. *Preſident of the County-Court*.

CHOPTANK INDIANS. See *Indians Lands*, 9, &c.

CHURCHES. See *Veſtry*, 27, 28.

CHURCH LANDS.

1. The Titles of all Lands, formerly given to any Church or Chapel, whereon the Pariſhes have built Churches, &c. are confirmed to ſuch Pariſhes for ever, notwithſtanding the Want of Deeds, and of enrolling or recording the ſame. 1704, *ch.* 38, §. 1, 2.

2. The ſeveral County Grand Juries, next after the Publication of this Act, were required to enquire by what Title ſuch Lands were held, and to render Account thereof to the ſeveral County Courts, who were impowered to examine Witneſſes *in perpetuum Rei Memoriam*, and cauſe the ſame to be recorded; And ſuch Record to be ſufficient Proof both of the Donation and Quantity. *Ibid.* §. 3.

3. Where ſuch Lands appear to have been given, but the Quantity not mentioned by the Donor, the Veſtry were impowered to demand and take Two Acres, and and cauſe the ſame to be marked and ſtaked out; and to return Two Certificates thereof, One to be recorded in the County Court, the other to be regiſtered in the High Court of Chancery. *Ibid.* §. 4.

4. The Veſtry of any Pariſh, having fixed on any Place, by them thought moſt for the Conveniency of the Pariſhioners, to fix any Church or Chapel of Eaſe, may apply to the County Court, who ſhall order a Jury of Enquiry to be impannelled for condemning Two Acres for the ſaid Uſe; who ſhall proceed according to the Act of 1697, *ch.* 5. *Ibid.* §. 5.

5. Any Deviſe of Lands or Tenements to the Uſe of any Church, &c. or for Support or Maintainance of the Clergy of the Church of *England*, or to the Uſe of the Church, or Support of the Proteſtant Religion in general, without mentioning to what Church, Chapel, or Perſon, ſhall be good in Law, notwithſtanding ſuch Omiſſion, or any Uncertainty in the Wording of the Will, if the Senſe of the Teſtator can be reaſonably collected from the Will. 1722, *ch.* 4, §. 2.

6. Where the Intent of the Teſtator is at large, the Land ſo deviſed, ſhall go to the Pariſh or Incumbent where the Land lies, in the ſame Manner as Glebes are held. Provided the Will be ſigned in Preſence of Three or more credible Witneſſes, and duly proved. *Ibid.* §. 3, 4.

7. This Act ſhall not affect Lands heretofore or now diſputed at Law. *Ibid.* §. 4.

CHURCH OF ENGLAND.

The Book of Common Prayer, and Adminiſtration of the Sacraments, &c. according to the Uſes of the Church of *England*, &c. ſhall be ſolemnly Read by every Miniſter or Reader in every Church ſettled and eſtabliſhed within this Province. And all Congregations and Places for Public Worſhip, according to the Uſage of the Church of *England*, for the Maintainance of whoſe Miniſters any certain Income is or ſhall be eſtabliſhed by the Laws of this Province, ſhall be deemed Settled and Eſtabliſhed Churches. 1702, *ch.* 1. §. 2.

N. B. *For the firſt Eſtabliſhment of the Church of* England *in this Province, the Diviſion of the ſeveral Counties into Pariſhes, Building of Pariſh Churches, Election and Powers of Veſtries, and Maintainance of the Clergy*; ſee 1692, *ch.* 2.

See *Orphans*, 7. *Schools*, 25.

CHURCH-WARDENS. See *Curſing*, &c. per Tot. *Fornication*, 2—4. *Inſpectors*, 3—7, 10—12. *Proteſtant Intereſt*, 7. *Tobacco Run*, 4. *Veſtry*, 20, 21.

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CLAP-BOARD TIMBER. See *Highways*, 13. *Water Mills*, 2.
CLERGY. See *Miniſters*.
CLERK of the COUNCIL. See *Inſpectors*, 6, 7. *Journals of Aſſembly*, per Tot. *Naval Officers*, 8.
CLERK of the HOUSE of DELEGATES. See *Journals of Aſſembly*, per Tot. *Letters Public*, 3.
CLERK of the INDICTMENTS. See *Attorneys*, 3, 5. *Proceſs Criminal*, 2.
CLERK of the PROVINCIAL COURT. See *Amerciaments*, 1, 2. *Appeals*, 4, 6. *Attorneys*, 1. *Bills of Coſt*, per Tot. *Conveyances*, 6—8. *Curſing*, &c. per Tot. *Jurors*, 7. *Paſſes*, 1, 2. *Proceſs Civil*, 1. *Proteſtant Intereſt*, 3, 6. *Records*, 12.
CLOATHS. See *Guardians*, 6. *Orphans*, 3.

COINS.

1. Perſons forging or counterfeiting foreign Gold or Silver Coins, (commonly current in this Province) and their Aiders, Aſſiſters and Abettors, ſhall, for the firſt Offence, be whipped, pillor'd and cropped; and, for the Second Offence, be branded in the Cheek and baniſhed. 1707, *ch.* 4, §. 1, 2.

2. For the Rates of foreign Silver Coins, according to the Old Currency, before the Introduction of a Paper Currency; ſee 1708, *ch.* 4.

3. For the Rates of Gold and Silver Coins, as they ſhall paſs in Payment for Levies and other Public Tobaccoes; ſee *Levies*, 28.

4. The Penalty on clipping or cutting foreign Coins impoſed by the Act of 1707, *ch.* 4, is taken away by 1729, *ch.* 2.

See *Gold and Silver*.

COLLECTORS.

1. The ſeveral Collectors ſhall have the following Fees *(for which ſee the Act)* and no more. But one Half of the ſaid Fees only, ſhall be taken for Veſſels built or purchaſed by Inhabitants of this Province, whoſe Owners are all actual Reſidents therein. 1717, *ch.* 2, §. 3.

2. Collectors ſhall put up a fair Table of their Fees in their ſeveral Offices, under Penalty of 50*l.* Sterling. one Half to the Support of Government, the other to the Informer. *Ibid.* §. 4.

See *Annapolis*, 2. *Freight of Tobacco*, 5. *Oxford*, 2.
COLLECTORS of Quit-Rents. See *Inſpectors*, 46.
COLLEGE of VIRGINIA. See *Gold and Silver*, 1.

COMMISSARY-GENERAL;

1. ——Shall hold his Court once in Two Months, or oftener if neceſſary; and proceed therein according to the Laws of *Great-Britain* (if pleaded before him) in Caſes where this Act is ſilent. 1715, *ch.* 39, §. 2.

2. ——May take the Probat of any Will within this Province, altho' the ſame concerns Titles of Land. *Ibid.*

3. ——Shall obſerve the Rules in this Act, in the Accounts of Executors and Adminiſtrators. *Ibid.* §. 7.

4. ——Shall, within Three Months after Accounts made up and paſſed in his Office, or after Diſtribution by him made according to Law, of any Inteſtate's Eſtate, tranſmit the Balance or Account thereof to the County Court where the Eſtate lieth, on Forfeiture of 10,000 ℔ Tobacco; one Half to the Support of Government, the other Half to the Perſon ſuing for the ſame. *Ibid.* §. 7, and 18.

5. ——Shall appoint a Deputy-Commiſſary in each County, who may take Probat of Wills, and grant Letters Teſtamentary, and alſo Adminiſtration to any Perſon, who hath Right to the Adminiſtration of the Eſtate of any Perſon deceaſed, within the County: But Diſputes, concerning the Right of Adminiſtration or Executorſhip, ſhall be decided by the Commiſſary-General; nor ſhall the Deputy-Commiſſary grant Adminiſtration, or take Probat of ſuch diſputed Will, before a Deciſion and Certificate thereof by the Commiſſary-General. *Ibid.* §. 29.

COMMISSARY-GENERAL;

6. ——Shall take Security of all Executors and Adminiſtrators, to the Uſe of the Orphans in any Will mentioned, for the true Performance of ſuch Will, according to Law and the Intent of the Teſtator; and tranſmit an Account of the Legacies left to any Infant Orphans to the County Court. *Ibid.* §. 39.

7. ——Shall ſend Liſts of the ſperate and deſperate Debts, and alſo Liſts of the Sureties, with their Places of Abode, to the County Courts, in the ſame Manner as the Balances are directed *(by Art.* 4,) to be ſent. 1729, *ch.* 24, §. 4, and 14.

See *Adminiſtrators*, 1—13, 20. *Curſing*, &c. per Tot. *Deputy-Commiſſary*, per Tot. *Inteſtates Eſtates*, 1, 2, 7. *Prerogative Court*, per Tot. *Records*, per Tot. *Widows*, 4, 5.
COMMISSIONERS. See *Boundaries*, 4—9.
COMMISSIONERS of BANKRUPTS. See *Bankrupts*, 1—3.
COMMON PRAYER. See *Church of England*.
CONSPIRACY. See *Negroes*, 37.

CONSTABLES.

1. The Juſtices of the ſeveral County Courts ſhall appoint Conſtables, in each Hundred of their reſpective Counties, at the firſt County Court held next after Michaelmas. 1715, *ch.* 13, §. 1.

2. The County Clerk ſhall ſignify ſuch Appointment under his Hand, and deliver the ſame to the Sheriff within Five Days after every ſuch Appointment. And the Sheriff ſhall, within Ten Days after ſuch Delivery, deliver the ſame to each reſpective Perſon ſo appointed, or leave the ſame at his uſual Place of Abode; under Penalty of 20 Shillings Currency on the Clerk or Sheriff reſpectively neglecting herein; to be recovered before a ſingle Magiſtrate, as in the Caſe of ſmall Debts, to the Uſe of the County. 1752, *ch.* 7, §. 2.

3. Any Perſon ſo appointed, neglecting or refuſing to qualify, within Five Days after ſuch Notice (by taking the Oaths to the Government, and the Oath of Office according to the Act of 1715, *ch.* 15,) ſhall incur the Penalty of 500 ℔ Tobacco, towards the public Charge of that County, leviable by Diſtreſs. 1715, *ch.* 15, §. 1, 2; and 1752, *ch.* 7, §. 2.

4. On the Death or Removal of any Conſtable, or Refuſal or Neglect of any Perſon, ſo appointed, to qualify; any Two next Juſtices of the County are required forthwith, to appoint another proper Perſon to be Conſtable of ſuch vacant Hundred: Who, upon their Certificate of ſuch Appointment to him delivered, ſhall, within the Time, and according to the Directions of this, and the Act of 1715, *ch.* 15, qualify himſelf, under the like Penalties, *&c.* 1752, *ch.* 7, §. 3.

5. Every Conſtable ſhall repair in Perſon by the 20th *June* yearly, to every Habitation in his Hundred, and demand of every chief Perſon of a Family a diſtinct Liſt, from under their Hands, of all taxable Perſons within their Families. Out of which the Conſtable ſhall make Two fair Liſts, and deliver One of them to the Sheriff of the County, by the Firſt Day of *Auguſt* after taking ſuch Liſt, and the other to the next County Court to be ſet up. 1715, *ch.* 15, §. 3; and 1719, *ch.* 12, §. 6.

6. The Conſtable may take any ſingle Perſon or Freeman he ſhall find within his Hundred (who cannot procure ſome Houſe-keeper within the ſame, to give him in as a Taxable, nor make appear that he is a Reſident, or taken as a Taxable in ſome other Hundred or County) before the next County Magiſtrate; who ſhall commit ſuch Perſon to the Sheriff, till he ſhall procure ſome Houſe-keeper to return him as a Taxable, and be anſwerable for his Levy. 1719, *ch.* 12, §. 7.

7. Any Conſtable who ſhall not purſue the Directions of this and the Act of 1715, *ch.* 15, *(See* Art. 5 *and* 6,) in the taking and returning of Taxables, ſhall be fined 500 ℔ Tobacco for each Offence: One Half to the Informer,

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CONSTABLES.

Informer, the other Half to the County School. 1719, *ch.* 12, §. 1.

8. Conſtables ſhall obey and execute all Warrants, *&c.* to them directed, from any Juſtice or Juſtices within this Province, touching any Matter between Party and Party; and ſhall have 2 *s.* 6 *d.* or 30 lb Tobacco Fee for Serving all the Precepts relating to any One Action or Demand. 1715, *ch.* 15, §. 6.

9. Where ſeveral Conſtables are employed in executing Precepts relating to One Matter, the Juſtices may direct what Fee, not exceeding 2 *s.* 6 *d.* *&c.* ſhall be paid to each. *Ibid.* §. 7.

10. Conſtables Fees are leviable by Execution on the Complainant, and ſhall be allowed to the Party recovering, in his Coſts. *Ibid.*

11. All Warrants for ſmall Debts ſhall be directed to ſome Conſtable of a Hundred, unleſs at the Requeſt of the Suitor, it be directed to ſome Friend, who will ſerve it gratis; in which Caſe the Suitor ſhall, nevertheleſs, be liable to pay the Conſtable of the Hundred, where ſerved, his juſt Fee. 1719, *ch.* 12, §. 4.

See *Curſing*, &c. per Tot. *Indians*, 10, 11. *Juſtors*, 4. *Militia*, 2. *Negroes*, 22—26. *Quakers*, 6. *Small Debts*, 1—3. *Taxables*, 3—7. *Tobacco Run*, 4, 7, 8.

CONTINUANCE of ACTIONS.

1. All Actions brought in any Courts of Law, within this Province, may be continued to the End of the Fourth Court after the Appearance Court, and no longer. Except in Caſes where Evidence is wanting from beyond Sea, which Caſe is left to the Diſcretion of the Court. 1721, *ch.* 14, §. 1.

2. The Courts, on Diſcontinuance of any ſuch Action, may, if by the Act of the Plaintiff, award him to pay the Coſts: If, through Default of the Defendant, give Judgment for the Plaintiff: If, through Default of any Attorney neglecting to bring the Cauſe to Deciſion within the Time herein limited, ſuch Attorney, ſo neglecting, to the Prejudice of his Client, ſhall forfeit, for every Neglect, in the Provincial Court, 5000 lb Tobacco; in the County Court, 2000 lb Tobacco, and all Coſts of Suit accruing by ſuch Default: One Half of ſuch Fines to the Party grieved, the other Half to the County School. *Ibid.*

3. But the Continuance of ſuch Suits by Injunction in Chancery, or the Allowance of Parole Demur to Infants ſhall not be within this Limitation. *Ibid.*

4. Too ſhort a Time being allowed in the High Court of Appeals, by the above Act, Appeals or Writs of Error may be continued in the High Court of Appeals, for the full Term of Two Years from the End of the Appearance Court, and no longer. 1730, *ch.* 16.

CONTRACT SIMPLE. See *Limitation of Actions*, 1.

CONVEYANCES.

1. All Sales, Gifts and Grants, at any Time before the 13th *April* 1674, made by Writing, with or without Seal, ſhall be good in Law, notwithſtanding Error in Form. And alſo all ſuch Sales, *&c.* where the Writings are loſt, *&c.* where either the Sale, Gift, Grant or Payment, can be proved by Witneſſes. 1671, *ch.* 6. 1694, *ch.* 11; and 1715, *ch.* 47, §. 1, 2.

2. Sales and Grants of Lands, Tenements, *&c.* made by Deed indented and enrolled ſince the 13th *April* 1674, or that ſhall hereafter be ſo made and enrolled, ſhall be good in Law, without Livery or Seizin. 1715, *ch.* 47, §. 3.

3. All Conveyances made and enrolled under the ſeveral Acts of 1674, *ch.* 2; 1692, *ch.* 30; and 1699, *ch.* 42, during their reſpective Continuances, are confirmed; but declared void, if not enrolled. *Ibid.* §. 4, 5, 6.

4. No Manors, Lands, Tenements, or Hereditaments whatſoever, within this Province, ſhall paſs, *&c.* from one to another, nor any Eſtate for above Seven

CONVEYANCES.

Years, except the Deed or Conveyance thereof be made by Writing Indented and Sealed, and acknowledged in the Provincial Court, or before One Provincial Juſtice; or in the County Court, or before Two County Magiſtrates, within Six Months from the Date of the Deed. *Ibid.* §. 7. Vid. 1766. ch. 22. Supplem. Act

5. The Party taking ſuch Acknowledgment ſhall have 1 *s.* Fee. *Ibid.*

6. The Clerk, upon Receipt of the Deed, ſhall endorſe the Time of his receiving the ſame, upon the Back thereof; and ſhall enroll the ſame, and alphabet the Names of both Parties, and endorſe the Enrollment and Folio on the Back of the Deed, and ſign ſuch Indorſement. *Ibid.*

7. Where a Grantor lives remote from the Provincial Court, or the County Court where the Land lieth, an Acknowledgment of the ſame in the County where he liveth, and Certificate thereof under the Clerk's Hand and County Seal, ſhall be a ſufficient Warrant to the Clerk of the County where the Land lieth to enroll the ſame. *Ibid.* §. 8.

8. If the Grantor, at the Time of enſealing ſuch Writing indented, be out of the Province, within any of his Majeſty's Dominions, the Deed may be acknowledged by a Letter of Attorney well and ſufficiently proved, either in the Provincial or County Courts, *&c.* and be enrolled as aforeſaid. *Ibid.*

9. Every ſuch Writing indented (to be acknowledged and enrolled as aforeſaid) ſhall take Effect from the Day of Enrollment, and not from the Day of its Date. And ſhall be conſtrued more favourably for the Grantee, and more ſtrongly for barring the Grantor, according to the apparent Intention of the Parties, tho' not ſo firmly drawn, *&c.* *Ibid.* §. 9.

10. No *Femme Covert*, named as a Grantor in any ſuch Writing, ſhall be barred thereby either of Eſtate or Dower; except upon her Acknowledgment of the ſame: And the Perſon taking her Acknowledgment examining her privately, out of Hearing of her Huſband, Whether ſhe makes the ſame willingly and freely, without being induced thereto by Fear or Threats of ill Uſage by her Huſband, or Fear of his Diſpleaſure? and certifying the ſame; and ſuch Certificate to be likewiſe enrolled upon Record. Which Acknowledgment ſhall bar her of Dower tho' not named in the Deed. *Ibid.* §. 10.

11. All Acknowledgments of Deeds and Conveyances made under former Acts, before One Provincial Juſtice, or before One or Two of the Council, and enrolled according to the Directions of thoſe Acts, are hereby confirmed. *Ibid.* §. 11.

12. All Probats of Deeds and other Matters, made either in the Mayor's Court, or before Two Magiſtrates of the City of *Annapolis*; and all Deeds of Lands within the Precincts of the ſaid City, in like Manner acknowledged, ſhall be good in Law as if made or acknowledged before One Provincial or Two County Juſtices. 1725, *ch.* 8.

13. The Acknowledgment and Examination of any *Femme Covert* who reſides out of the Province, taken before the Mayor of any Corporation in *Great-Britain*, or *Ireland*, or before One Juſtice of the Supreme Court of any Province or Colony within his Majeſty's Dominions, and certified by Indorſement upon ſuch Deed, under the Hand of ſuch Magiſtrate, and Seal of the Corporation or Colony reſpectively, ſhall be good in Law to bar ſuch *Femme Covert* of her Right of Inheritance or Dower as the Caſe may be. 1752, *ch.* 8, §. 2.

CONVICTS.

1. Every Maſter of a Ship importing any Convict Servants, ſhall bring an authentic Teſtimonial of the Offences whereof they are convicted, and of the Number of Years they are to ſerve, on Pain of forfeiting 5 *l.* Current Money for every ſuch Felon; One Half to the Uſe of the County, the other to the Informer. 1728, *ch.* 23, §. 5.

2. The

2. The Maſter or chief Officer of ſuch Ship, ſhall lodge ſuch Teſtimonial with the County Clerk, under Penalty of 5*l.* for every Offence, to be applied as aforeſaid: And a Copy of ſuch Teſtimonial under the Clerk's Hand, ſhall be full Evidence. *Ibid.* §. 6.

3. Every Perſon importing Servants into this Province by Land or Water, ſhall make Oath (or Affirmation if a Quaker) before the Naval Officer, "Whether, to the beſt of his Knowledge, ſuch Servants "be under Sentence of Tranſportation; and if ſo, "for what Offence, and the Term of Years they have "to ſerve." *Ibid.* §. 7, and 1729, *ch.* 26.

4. Perſons importing Servants, and refuſing to take ſuch Oath, forfeit 100*l.* Current Money: And the Naval Officer neglecting to adminiſter the ſame, forfeits 100*l.* like Money, to be applied as aforeſaid. 1728, *ch.* 23, §. 8.

5. Perſons Forſwearing themſelves, or falſely Affirming in the Premiſes, are liable to be proſecuted and ſuffer as in Caſe of Perjury. *Ibid.* §. 9.

6. A Copy of ſuch Oath, certified by the Naval Officer, ſhall be good in Law, in any Diſpute concerning ſuch Convict, as if given *vivâ voce* at the Trial. *Ibid.* §. 10.

7. Any Provincial or County Magiſtrate, on Application or Suſpicion, may examine any of the Ship's Crew, touching their Knowledge of Convicts; and ſuch Examination or Depoſition ſhall be good in Law as if given *vivâ voce*. *Ibid.* §. 11.

8. In all Criminal Proſecutions againſt any Convicts, imported as ſuch into this Province, the Teſtimony, upon Oath, of any other Convicts, imported as ſuch, ſhall be received and allowed, ſuch Conviction or Diſability notwithſtanding. 1751, *ch.* 11, §. 2.

9. But any ſuch Convict, ſworn as a Witneſs in ſuch Caſe, who ſhall ſwear falſely, ſhall ſuffer as in Caſe of wilful and corrupt Perjury. *Ibid.* §. 3.

COOPERS. See *Gauge of Barrels.*
COOPERS-TIMBER. See *Highways*, 13.
CORN-HOUSES. See *Negroes*, 38.
CORONERS. See *Curſing*, &c. per Tot. *Jurors*, 4. *Muſters*, 9. *Public Arms*, 3—7, 9.
CORPORATIONS. See *Annapolis*, 14. *Delegates*, 6. *Schools*, 2, 18.
COSTS of SUIT. See *Adminiſtrators*, 18, 20. *Advancement of Juſtice*, 3. *Arreſts*, 2. *Attorneys*, 13. *Conſtables*, 10. *Continuance of Actions*, 2. *Demand of Debts*, 2, 3. *Foreign Debts*, 4. *Hemp and Flax*, 3. *Records*, 5, 8. *Runaways*, 10. *Tobacco Run*, 5, 8.
COUNCILLORS. See *Appeals*, 7. *Delegates*, 7. *Governor*, 2. *Letters Public*, 3. *Militia*, 5. *Proteſtant Intereſt*, 1, 4.
COUNSELLING. See *Houſe-Breaking*, 3.
COUNTERFEITING Inſpectors Notes or Stamps. See *Inſpectors*, 49.
COUNTERFEITING of Money. See *Coins*, 1.
COUNTERFEITING of the Seals. See *Seals.*

1. *Anne-Arundel* County erected, 1650, *ch.* 8.

2. The Bounds of *St. Mary's* and *Charles* Counties, and between *Talbot* and *Kent* Counties, are ſettled, and a new County erected by the Name of *Prince-George's*, 1695, *ch.* 13. And the ſame Diviſions are confirmed. 1704, *ch.* 92, §. 1, 2.

3. The Bounds and Limits of *Anne-Arundel* and *Baltimore* Counties, are ſettled by the Act of 1698, *ch.* 13. But ſo far of that Act as relates to the South Side of *Patapſco* River, being added to *Baltimore* County, is repealed by 1726, *ch.* 1.

4. Every County lying on any navigable River, ſhall extend its Juriſdiction from the Shore to the Channel of the River, and be divided from the other County by the ſaid Channel. And where any Ship ſhall ride at Anchor in ſuch Channel, Proceſs may be ſerved on board by the Officer of either County; but if Moored by any Hold on the Land, ſhe ſhall be deemed to lie in that County to whoſe Shore ſhe is faſtened. 1704, *ch.* 92, §. 3.

5. The Bounds of *Talbot*, *Kent*, and *Cæcil* Counties regulated; and a new County by the Name of *Queen-Anne's* County, conſtituted. 1706, *ch.* 3.

6. *Somerſet* County divided, and *Worceſter* County erected thereout. 1742, *ch.* 19.

7. Part of *Prince-George's* County taken off, and added to *Charles* County. 1748, *ch.* 14.

8. *Prince-George's* County divided, and *Frederick* County erected thereout. 1748, *ch.* 15.

9. The Diviſion between *Baltimore* and *Frederick* Counties, and between *Dorcheſter* and *Worceſter* Counties, ſettled. 1750, *ch.* 13.

10. The Juſtices of *Dorcheſter* County, enabled to Leaſe out Part of the Priſon Lands. 1757, *ch.* 12.

1. ——Are exempted from Payment of Port-Duties or Anchorage. See *Port-Duties.*

2. No Duties impoſed by this Act, ſhall be payable for Servants, Negroes or Liquors, imported in any Ship or Veſſel built in this Province, whoſe Owners are all actual Reſidents; nor in any Veſſel, *Engliſh* or Plantation built, purchaſed and enjoyed by Owners who are all actual Reſidents, &c. Provided ſuch Servants, Negroes or Liquors, are imported in ſuch Veſſels into the Capes of *Cheſapeak* Bay, or ſome of the Inlets on the Sea-board Side of *Somerſet* County, and not taken on board in the ſaid Bay, &c. or from on board any other Veſſel within Ten Leagues of the Capes. 1715, *ch.* 36, §. 17.

3. For preventing Abuſes practiced under Sanction of the preceding Article, Reſident Owners of every Ship or Veſſel, ſhall, at the Time of Entry, or before Clearance, take an Oath before the Naval Officer of the Diſtrict where ſhe ſhall load or unload, that they are the true and only Owners, &c. (*See the Act for the Form.*) And Reſident Owners refuſing to comply herewith, ſhall have no Benefit, but ſtand on the ſame Foot with Non-Reſidents. 1720, *ch.* 26, §. 2 and 4.

4. In Caſe of any Reſident Owner's being beyond Seas about his reaſonable Affairs, not exceeding 12 Months; his Oath during ſuch Abſence, may be diſpenſed with; the other Owners Reſidents (if any be) taking the ſame Oath. *Ibid.* §. 3.

5. For preventing the Inconveniencies which Reſident Owners may be put to, in entering their Veſſels, who live remote from any Naval Officer, an Oath made by the Owners of any Veſſel, before a Magiſtrate in the County where ſuch Owners reſide, agreeable to the Form preſcribed in 1720, *ch.* 26, and a Certificate thereof under Hand and Seal of the Magiſtrate, ſhall be as effectual, as if taken before the Naval Officer of the Port where ſuch Veſſel ſhall be entered: Provided ſuch Certificate be delivered to the Naval Officer ſome Time before Clearing the Veſſel. 1731, *ch.* 18, §. 1, 2, 3.

6. Owners of Veſſels reſiding in different Counties, may make ſeparate Oaths before a ſingle Magiſtrate (*See the Act for the Form:*) And on producing Certificate thereof, under Hand and Seal of the Magiſtrate before whom taken, to the Naval Officer, before clearing the Veſſel, ſhall have the ſame Privileges and Advantages, as if they had taken Oath before the Naval Officer. *Ibid.* §. 4.

7. The Additional Duty of 20*s.* Currency per Poll on all *Iriſh* Servants being Papiſts, and on all Negroes imported, appropriated by the Act of 1717, *ch.* 10, to the Encouragement of County Schools, is declared to be payable for all ſuch Servants and Negroes imported in Country Bottoms. 1728, *ch.* 8, §. 4, 5.

See *Collectors*, 1. *Governor*, 1. *Iriſh Servants*, 5. *Naval Officers*, 7. *Port-Duties*, per Tot. *Reſidents*, 3, 4.
COUNTRY DEBTS. See *Adminiſtrators*, 14. *Bankrupts*, 2—5.

COUNTY CHARGE. See *Amerciaments*, 3. *Fines and Forfeitures*, 6, 7.

COUNTY-CLERKS.

1. County Clerks, before executing any Part of their Office, ſhall enter into Bond of 1000*l.* Currency, with Two ſufficient Sureties, for the finding at their own Expence, good and ſufficient Record Books, making true and perfect Records and Entries, preſerving and repairing, *&c.* all the Books, Papers and Records, remaining in, or added to, his Office during his Continuance therein, *&c.* Which Bond ſhall be entered into in the Name of his Lordſhip, before the County Court; and a Probat thereof immediately made before the Court, or before Two County Juſtices, and entered in the County Records for Conveyance of Land, and the Original Bond lodged in the Council Office. 1716, *ch.* 1, §. 3, 6; and 1742, *ch.* 10, §. 2.

2. The Clerks may be obliged to renew theſe Bonds with other Sureties, as often as the Court ſhall diſapprove the ſufficiency of the former. 1742, *ch.* 10, §. 4.

3. No Clerk ſhall remove any Books, Papers or Records, out of their Offices, and keep the ſame out at any Time between Eleven at Night, and Six in the Morning, on Penalty of 10*l.* Currency for each Offence. 1747, *ch.* 3, §. 10, 11. But County Clerks may remove out of their Offices, the laſt Recording Book for Judgments, and the Four laſt Court Dockets and Papers, and keep the ſame at their own Houſes, or other convenient Places, *&c.* 1748, *ch.* 7, §. 2.

4. County Clerks ſhall, by themſelves or their Deputies, attend at their reſpective Court Houſes, One or more Days in every Week (to be appointed by the County Court) from Nine in the Morning 'til Sun-ſet, for the Diſpatch of Buſineſs; on Penalty of 600℔ Tobacco for each Neglect herein: One Half to the County School, the other Half to the Perſon ſuing for the ſame, before a ſingle Magiſtrate, as in Caſe of ſmall Debts. But nothing in this Act ſhall extend to diſcharge any Clerk from any Misfeazance or Neglect in his Office. *Ibid.* §. 3, 4.

5. County Clerks ſhall keep an Account of the Levy, and tranſmit a Copy thereof yearly before the 10th *March*, to the Governor and Council, under the County Seal; on Penalty of 1000℔ Tobacco for every Neglect. 1704, *ch.* 34, §. 2, 3.

6. County Clerks ſhall iſſue Warrants to the ſeveral Overſeers of Highways, appointed by the Court, on Forfeiture of 1000℔ Tobacco. 1704, *ch.* 21, §. 4. And ſhall give an Account to the Sheriff yearly, of the Fines incurred by Perſons for not appearing, *&c.* on the Highways, when duly warned, in order to collect the ſame. 1723, *ch.* 17.

7. County Clerks ſhall record the Notes ſet up on the County Court-Houſe Door, by Maſters of Ships, publiſhing their Rate of Tobacco upon Freight per Ton: And a Certificate of ſuch Publication and Freight, under the Hand of the County Clerk, ſhall be ſent with Craft fetching Tobacco from another County. 1704, *ch.* 62, §. 1, 4.

8. On Demand of an Appeal, the Clerk ſhall enter a Memorandum thereof, both in the Proceedings and Records. And ſuch Clerk refuſing to make out a Tranſcript of the Proceedings (on Requeſt of any Appellant) ſhall be liable to the Damages ſuſtained by the Appellant by ſuch Refuſal or Delay; ſuch Party paying or ſecuring the Clerks legal Fees. 1713, *ch.* 4, §. 4, 5.

9. Acts of Aſſembly, after Publication under the Great Seal, are to be lodged with the County Clerk. 1715, *ch.* 25, §. 1.

10. County Clerks ſhall every *June* Court, preſent the Orphan Jury with a Liſt of the Orphans and Apprentices of their reſpective Counties. 1715, *ch.* 39, §. 22.

11. Clerks ſhall not plead as Attorneys in the Court wherein they bear Office; on Penalty of 3000℔ Tobacco for every Offence. 1715, *ch.* 41, §. 9.

COUNTY-CLERKS.

12. County Clerks ſhall keep an Account of Amerciaments, and deliver or ſend the ſame to the ſeveral Sheriffs, to be collected with the Levy: And ſhall alſo give an Account of the Amerciaments to the Chief Juſtice, yearly, at *November* Court. *Ibid.* §. 11, 12.

13. The Clerk, on Receipt of any Deed, ſhall endorſe the Time of his receiving the ſame upon the Back thereof; and ſhall enroll the ſame, and alphabet the Names of both Parties, and endorſe the Enrolment and Folio on the Back of the Deed, and ſign ſuch Endorſement. 1715, *ch.* 47, §. 7.

14. All Bills, Bonds, or other Specialties, taken by any County Clerk, ſhall be endorſed for what, or how they became due; or in Default thereof, ſhall be void. 1715, *ch.* 48, §. 9.

15. An authentic Teſtimonial of the Offences of Convicts, and of the Number of Years they are to ſerve, ſhall be lodged with the County Clerk, by every Maſter of a Ship importing ſuch Convicts: And a Copy off uch Teſtimonial, under the Clerk's Hand, ſhall be full Evidence. 1728, *ch.* 23, §. 5, 6.

16. Clerks ſhall deliver, when required, full and fair Copies of Coſts of Suit, on Forfeiture of 2000℔ Tobacco on Refuſal. 1731, *ch.* 15, §. 3. And ſhall alſo, in Taxing Coſts, deduct the proper Allowance for Convenience. 1763, *ch.* 18, §. 26.

17. No County Clerk ſhall iſſue more than one Writ or Declaration on ſuch Bonds, where the Principal and Sureties reſide in the ſame County. 1747, *ch.* 23, §. 8.

18. County Clerks ſhall ſignify the Appointment of Conſtables under their Hands, and deliver the ſame to the Sheriff within Five Days after every ſuch Appointment, on Penalty of 20 Shillings Currency for each Neglect. 1752, *ch.* 7, §. 2.

19. Each County Clerk ſhall provide a Book, wherein he ſhall record the Proceedings of the Juſtices, with reſpect to the Inſpection Law; and ſhall attend them on all Occaſions relating thereto, taking an Oath before ſome Magiſtrate, to keep fair and juſt Entries of all ſuch Proceedings, *&c.* And ſhall be allowed annually, out of the Profits ariſing by this Act, a Sum not exceeding 800℔ Tobacco for all ſuch Services. 1763, *ch.* 18, §. 55.

20. County Courts, ſhall yearly allow their reſpective Clerks 2000℔ Tobacco in the County Levy, in full Satisfaction for Warrants to Overſeers of Highways, Conſtables Warrants, taking Indentures of Orphans, aſſiſting at laying the Levies, and all other Services by them done by Order of the Juſtices: All which, and ſuch others, for the Uſe of their reſpective Counties, by Order of the Juſtices they ſhall be obliged to do. *Ibid.* §. 93.

21. Any County Clerk who ſhall iſſue Criminal Proceſs without an Order for the ſame under the Hand of an Attorney, forfeits 2500℔ Tobacco; one Half to the Support of Government, the other Half to the Party grieved, or to the Perſon informing or ſuing for the ſame. 1715, *ch.* 48, §. 3.

22. No County Clerk ſhall deliver any blank Writs to any Attorney, Sheriff, or other Perſon, on Penalty of 6000℔ Tobacco; One Half to the Support of Government, the other to the Informer. *Ibid.* §. 11.

For other Matters, ſee *Criminal Fees*, 1. *Curſing*, &c. per Tot. *Inſpectors*, 39, 42, 44. *Marriage*, 5. *Muſters*, 7, 9. *Paſſes*, 1, 2, 5. *Proceſs Civil*, 1. *Proteſtant Intereſt*, 3, 4, 6. *Public Arms*, 3, 5, 6, 9, 10. *Runaways*, 2. *Stay of Execution*, 5, 6. *Thieving*, 6.

COUNTY COURTS.

1. Four County Courts ſhall be held annually in each County, *viz.*

Talbot, *Baltimore*, *St. Mary's*, [a] *Worceſter*, } the Firſt Tueſday in *March*, *June*, *Aug.* and *Nov.* 1715, *ch.* 14, §. 2.

[a] By 1742, ch. 19.

Dorcheſter,

I N D E X.

COUNTY COURTS.

Dorcheſter, *Cæcil*, *Anne-Arundel*, *Charles*,	the Second	Tueſday in *March*, *June*, *Aug.* and *Novemb.* 1715, *ch.* 14, §. 2.
Kent, *Calvert*, *Somerſet*, [b] *Frederick*,	the Third	
Queen Anne's, *Prince George's*,	the Fourth	

[b] 1748, ch. 15.

2. Any Two Juſtices (One whereof to be of the Quorum) are impowered, when Need ſhall require, to adjourn the County Court. *Ibid.* §. 2. *(But ſee the following Article.)*

3. Doubts having ariſen on the laſt recited Act, for Prevention thereof for the Future, it is Enacted, that any Two County Juſtices, (One whereof to be of the Quorum) in Caſe of Neceſſity, to prevent the Diſcontinuance of the Court, and for no other Purpoſe whatſoever, may Call ſuch County Court on the Day to which it ſhall have been Adjourned; and, for the ſame Reaſon, and no other, may adjourn the ſame to any Time not ſubſequent to the Day appointed by the Act of 1715, *ch.* 14, for the Meeting of the Court in Courſe. But no Buſineſs, other than ſuch Calling and Adjourning, ſhall be tranſacted; unleſs ſuch Number of Magiſtrates, and ſo qualified as is directed by the Commiſſion of the Peace for the County, ſhall meet at the Court ſo called. 1756, *ch.* 6, §. 6 and 7.

4. All former Proceſs and Proceedings of County Courts are declared to be valid, notwithſtanding any Diſcontinuance by miſcalling or miſadjourning under the Act of 1715. *Ibid.* §. 8.

5. The Commiſſioners of the ſeveral County Courts are impowered (on Examination had before them of the Public Charges of their reſpective Counties) to levy Tobacco for the Payment of the ſeveral County Charges, and the Sheriff's Salary for collecting thereof, by an equal Aſſeſſment of the Taxable Perſons of the ſaid ſeveral Counties. 1704, *ch.* 34, §. 1.

6. It is declared and enacted, that the Words, *Public Charges of their reſpective Counties*, in the preceding Article, ſhall not be conſtrued to extend to any other Purpoſes than the ordinary, uſual, and neceſſary Charges, annually ariſing in their ſeveral Counties. 1748, *ch.* 20, §. 1, 2.

7. The Juſtices of the ſeveral County Courts may, as often as Occaſion ſhall require, levy on the Taxable Inhabitants, within their ſaid ſeveral Counties, any Quantity not exceeding 10,000 ℔ Tobacco, at any One Time, for the full and compleat repairing of any One Court Houſe; and not exceeding 6000 ℔ Tobacco, for the full and neceſſary Repairs, for any One County Priſon; and not exceeding 8000 ℔ Tobacco, for the full and compleat Repairing of any One Bridge; and not exceeding 20,000 ℔ Tobacco for erecting and building any One New Bridge in any One County. But, where any larger Sums are adjudged neceſſary for any the Purpoſes aforeſaid, the County Juſtices ſhall not levy the ſame without Leave of the General Aſſembly. *Ibid.* §. 3.

8. The Juſtices are required, on Application to them made by the Veſtry-men and Church-wardens of any Pariſh, yearly, to aſſeſs any Quantity, not exceeding 10 ℔ Tobacco, per Poll, on the Taxable Inhabitants of ſuch Pariſh. 1729, *ch.* 7, §. 2.

9. The Juſtices ſhall aſcertain, in their Records, once every Year, what are the public Roads of their reſpective Counties, and appoint Overſeers of the ſame; and ſhall give in Charge, from Time to Time, to the Overſeers ſo appointed, the Rules and Methods for clearing and marking of Roads preſcribed in this Act. 1704, *ch.* 21, §. 3, 5, 6.

10. The Juſtices ſhall appoint Conſtables in each Hundred of their reſpective Counties, at the firſt County Court held next after Michaelmas yearly. 1715, *ch.* 15, §. 1.

COUNTY COURTS.

11. County Courts have Power to admit or ſuſpend Attorneys, *ſalvo Jure Coronæ*. 1715, *ch.* 48, §. 12.

12. The Juſtices ſhall procure the *Engliſh* Statutes, *&c.* for the Uſe of their reſpective Courts. 1715, *ch.* 41, §. 1.

13. The Juſtices may make Rules and Orders for the well governing and regulating their Courts, *&c.* under a Penalty not exceeding 500 ℔ Tobacco, for any One Offence; to be applied for the Support of Government. *Ibid.* §. 2.

14. Commiſſioners of the County Courts ſhall be allowed 80 ℔ Tobacco per Day, during the Time they attend ſuch Courts, to be levied by the Court on the Taxable Perſons of their ſeveral Counties. 1716, *ch.* 11, §. 9.

15. County Courts may hold Plea, and give Judgment of Specialties, (notwithſtanding the Limitation in their Commiſſion) whoſe Principal or Penal Sum exceeds 100 *l.* Sterling, or 30,000 ℔ Tobacco; wherein the Balance due thereon is not above 20 *l.* Sterling, or 5000 ℔ Tobacco, nor under 200 ℔ Tobacco, or 16 *s.* 8 *d.* Current Money. 1714, *ch.* 4, §. 5. *(But ſee the following Article.)*

16. No County Court ſhall hold Plea of any Debt or Damage, which ſhall not exceed 600 ℔ Tobacco, or 50 *s.* Current Money. 1763, *ch.* 21, §. 6.

17. No Perſon ſhall have Appeal from the County Court to the Provincial, where the Debt or Damage recovered, do not amount to 6 *l.* Sterling or 1200 ℔ Tobacco. 1713, *ch.* 4, §. 3.

18. Bonds, for Payment of Bills of Exchange, ſhall not be ſued in any other than the County Court, unleſs the Sum due amount to 20 *l.* Sterling. 1714, *ch.* 4, §. 4.

19. In Actions, not exceeding 20 *l.* Sterling, or 5000 Tobacco, the County Court, at the Prayer of either Party, either before or after Judgment or Verdict, may hear and determine the ſame, according to Equity and Conſcience, as amply as the Chancellor, *&c.* But this ſhall not limit or reſtrain the Juriſdiction of the High Court of Chancery. 1763, *ch.* 22, 23. §. 5, 6.

20. County Courts are impowered to hold Plea of, adjudge and determine all Thieving and Stealing of Goods or Chattels, under the Value of 1000 ℔ Tobacco, (Robbery, Burglary, and Houſe-breaking, excepted.) But cannot try a Perſon once convict thereof, and preſented again for Stealing above the Value of Twelve Pence, but ſuch Perſon ſhall be tried in the Provincial Court. 1715, *ch.* 26, §. 1, 3. See *Thieving*, per Tot.

21. County Courts are impowered, on Petition, to determine, in a ſummary Way, all private and perſonal Controverſies between Inhabitants and *Indians*, wherein the Value ſhall exceed 20 *s.* Sterling. But an Appeal lies to the Provincial Court. 1756, *ch.* 9, §. 2, 6.

22. County Courts, upon Petition, may determine, in a ſummary Way, all Complaints againſt Perſons holding *Indians* Lands, and refuſing to pay the Rents, *&c.* *Ibid.* §. 2, 3. See *Indians Lands*, 15—18.

23. The Juſtices are impowered to aſcertain and regulate the diſputable Bounds of any Pariſh within their County. 1713, *ch.* 10. See *Pariſh Bounds*, per Tot.

24. Where Owners neglect to provide neceſſary Food and Clothing for their old, or diſabled Slaves, or ſuffer any of their Slaves to wander about begging, ſo as to become troubleſome to others, the Court, on Preſentment of the Grand Jury, may cauſe ſuch Owners, to enter into Recognizance, *&c.* to provide, *&c.* for ſuch Slaves. And the Court ſhall give this Act in Charge to the Grand Jury, at *March* Court, yearly, to enquire into any Breaches thereof. 1752, *ch.* 1, §. 2, 7. See *Manumiſſion of Slaves*, 3, 5.

25. The Court ſhall diſpoſe of the Times of Servitude of White Women having Mulatto Children, Free Negroes begetting ſuch Children, White Men begetting Negro Women with Child, and the Mulatto Children

Children of White Women; and appropriate the Produce to the County Charge. 1715, *ch.* 44, §. 26, 27, 28. See *Negroes*, 3—6.

26. County Courts are required, yearly, in *November* Court, to appoint the Conſtable of every Hundred, where they think expedient, to ſuppreſs the tumultuous aſſembling of Slaves. 1723, *ch.* 15, §. 2. And ſhall allow 500lb Tobacco, in the County Levy, to every Conſtable ſo appointed. *Ibid.* §. 4.

27. Slaves, committing any Felony, puniſhable by Death, may be tried at the next County Court, which is impowered, on Confeſſion or Conviction of the Offender, on the Teſtimony of One legal Witneſs, (or even of other Slaves, corroborated with ſuch pregnant Circumſtances as ſhall ſatisfy the Jury of the Guilt of ſuch Slaves,) to give Judgment. But Slaves, produced as Witneſſes on ſuch Occaſions, ſhall be admoniſhed by the Court to declare the Truth, *&c.* and acquainted with the Danger of falſe Swearing, *&c.* 1751, *ch.* 14, §. 4, 6.

28. The Court may immediately puniſh Slaves guilty of Rambling, Riding, or going Abroad by Night, or Riding Horſes by Day, without Leave, or Running away, by Whipping, Cropping, Branding, or otherwiſe, not extending to Life, or rendering ſuch Slave unfit for Labour. *Ibid.* §. 8.

29. County Courts ſhall, yearly, between the 29th *September* and 25th *December*, appoint Two honeſt and ſubſtantial Men of their County to be Preſs-maſters for the Year enſuing. And, on Neglect of ſuch Appointment, (by Precept from their Court, ſigned by their Clerk) each Juſtice ſhall forfeit 500lb Tobacco, for Support of Government. 1715, *ch.* 43, §. 11, 13.

30. The Provincial and County Courts are impowered to hear and determine any Complaints between Maſters and Servants, by Way of Petition; and give Judgment and award Execution thereon. And no ſuch Judgment ſhall be reverſed, on Appeal or Writ of Error, for want of Proceſs, Jury, Form, *&c.* unleſs it appear by the Record that the Defendant was not ſummoned, or not heard. And all other Diſputes between Maſters and Servants, relating to Indentures, Contracts, Wages, *&c.* are determinable by Petition, as aforeſaid. 1715, *ch.* 44, §. 31, 32. See *Servants*, 2, 6, 9, 12, 15, 25.

31. An Appeal lies from the Determination of a ſingle Magiſtrate, to the next County Court, where the Sum ſhall exceed 33*s.* 4*d.* or 400lb Tobacco; which Court, on Petition of the Appellant, ſhall hear both Parties in a ſummary Way, and determine thereon according to Equity, *&c.* See *Small Debts*, 7, 8.

32. County Courts are veſted with the like Power of receiving ſpecial Bail as the Provincial Court, and ſhall act therein according to the ſame Rules. 1715, *ch.* 28, §. 7. See *Special Bail*, 8—10.

33. County Courts ſhall hear and determine, in a ſummary Way, all Complaints againſt Inſpectors; and, if ſuch Inſpectors be found deficient in their Duty, may remove them; and, with all convenient Speed, notify ſuch Removal to the Governor, *&c.* Provided ſuch Inſpector be ſummoned to appear, *&c.* And, if he will not appear, his Non-Appearance ſhall be taken for Confeſſion, unleſs reaſonable Excuſe be given. 1763, *ch.* 18, §. 56.

34. Transfer Tobaccoes are to be ſold the Second Day of *November* Court, yearly; and old Tobaccoes, which have been inſpected above Three Years, are to be ſold the Third Day of the ſame Court. And Inſpectors, One Day before laying the Levy, the ſame Court, ſhall Account with the Juſtices upon Oath, *&c.* For all which, ſee *Inſpectors*, 38—44.

35. For the Power and Duty of County Courts with reſpect to Public Warehouſes, ſee *Warehouſes*, 2, 5, 7—11.

36. For their Power and Duty with reſpect to Adminiſtrators, Executors, Guardians and Orphans, ſee

Adminiſtrators, 12, 21, 23—26. *Guardians*, per Tot. *Orphans*, per Tot.

See alſo *Appearance*, 1. *Attorneys*, 9. *Boundaries*, 4. *Church-Lands*, 2—4. *Commiſſary-General*, 4, 6, 7. *Criminal Fees*, 4. *Diſſenters*, 1. *Execution*, 1. *Fornication*, 1, 5, 6. *Harbourers of Servants and Slaves*, 1, 3, 5. *Inteſtates Eſtates*, 2. *Leviés*, per Tot. *Magiſtrates*, 1, 2, 4. *Printer to the Province*, 3. *Proceſs Criminal*, per Tot. *Rangers*, 1, 3. *Records*, 3, 7, 10. *Runaways*, 3—6, 9. *Sheriffs*, 25, 26. *Speedy Recovery*, 1. *Squirrels*, per Tot. *Suits at Law*, 1—4. *Surveyors*, 1. *Standard*, 1, 2. *Witneſſes*, 4. *Wolves*, 1.

COUNTY SCHOOLS. See *Schools*, 15—40.

COURT-HOUSES.

1. For the fundamental Rights of the ſeveral Counties to their Court-Houſe Lands, ſee the Act impowering the Juſtices to purchaſe Lands for the Uſe of their reſpective Court-Houſes. 1697, *ch.* 5.

2. Purchaſes of Lands, made according to the Act of 1697, *ch.* 5, and recorded in the ſeveral County Courts to which they properly belong, ſhall be a perpetual Bar againſt the Perſons from whom purchaſed, and againſt all Claimants under them. 1704, *ch.* 76, §. 1, 2.

3. The Lot whereon *Dorcheſter* County Court-Houſe now ſtands, and the Tenement thereon, ſhall remain to the Uſe of that County for ever. *Ibid.* §. 3.

4. *Kent* County Court-Houſe to be built. 1696, *ch.* 8.——To be enlarged. 1750, *ch.* 6.

5. *Talbot* County Court-Houſe,——Act for building a new one. 1710, *ch.* 5.——The old one to be ſold. 1710, *ch.* 9.

6. *St. Mary*'s County Court-Houſe to be continued at *Seymour-Town*, otherwiſe called *Sheppard*'s *Old-Fields*. 1710, *ch.* 6.——To be re-built of Brick, at the ſame Place, now called *Leonard*'s-*Town*. 1736, *ch.* 14.

7. *Queen-Anne*'s County Court to be continued where the Court-Houſe now ſtands. 1710, *ch.* 7.

8. *Prince-George*'s County Court-Houſe removed from *Charles-Town* to *Upper-Marlborough*. 1718, *ch.* 13.——A County Levy for repairing and finiſhing the ſame. 1748, *ch.* 22.——The Juſtices impowered to treat with Mrs. *Darnall*, for her Claim of Dower to the Lands on which the Court-Houſe is built. 1751, *ch.* 22.

9. *Baltimore* County Court-Houſe and Priſon, at *Joppa*, ſecured to the County. 1724, *ch.* 16.——A County Levy for repairing and finiſhing the Court-Houſe. 1749, *ch.* 4.

10. *Calvert* County Court-Houſe removed from *Battle-Creek*, and fixed at the Place called *William*'s *Old-Fields*. 1725, *ch.* 11.——An Act for finiſhing the ſame, and for the Relief of the Builders; and the Place to be called by the Name of *Prince-Frederick* Town. 1728, *ch.* 17.——To be re-built. 1748, *ch.* 18; and 1749, *ch.* 5.

11. *Charles* County Court-Houſe to be erected at *Chandler-Town*, and the old Court-Houſe and Priſon to be ſold. 1727, *ch.* 11.

12. *Somerſet* County Court-Houſe to be built at *Princeſs-Anne* Town, and the old Court-Houſe and Priſon to be ſold. 1742, *ch.* 19.

13. *Worceſter* County Court-Houſe to be built at *Snow-Hill* Town. *Ibid.*

14. *Frederick* County Court-Houſe to be built at *Frederick-Town*. 1748, *ch.* 15. The Court-Houſe to be finiſhed. 1753, *ch.* 31.

15. Perſons convict of wilfully burning any Court-Houſe, wherein any Records are actually or uſually kept, ſhall have Judgment to ſuffer Death, in the ſame Manner, as if convict of maliciouſly and wilfully burning a Manſion-Houſe. 1720, *ch.* 25.

16. County Courts ſhall not levy above 10,000lb Tobacco, at any One Time, for the compleat Repairing

COURT-HOUSES.

ing of any One County Court-House. If more is adjudged neceſſary, they ſhall not Levy the ſame without Leave of the General Aſſembly. 1748, *ch.* 20, §. 3.

COURT-HOUSE DOOR. See *Marriage*, 5. *Paſſes*, 1. *Stray-Horſes*, 2.

COURT of APPEALS. See *Appeal*, 10. *Continuance of Actions*, 4.

COURT of DELEGATES.

An Appeal from the Prerogative Court ſhall be made in Thirty Days after the Sentence; and proſecuted in Thirty Days more before the Court of Delegates; whoſe Sentence therein ſhall be final. 1715, *ch.* 39, §. 27; and 1726, *ch.* 9, §. 2.

COURTS at LAW. See *Advancement of Juſtice*, 1. *Attorneys*, 2, 3. *Continuance of Actions*, 1, 2. *Magiſtrates*, 1, 2, 4.

CREDITORS, not to be prejudiced by the ſetting Free of Slaves. See *Manumiſſion of Slaves*, 4.

CRIMINAL FEES.

1. No Sheriff, Jaylor, Clerk, or other Officer, ſhall charge either the County or the Public, with any Fees for Criminals committed to their Charge, being capable to pay the ſame by their Effects or Servitude: But ſuch Criminals, being diſcharged by due Courſe of Law, ſhall pay their own Fees. 1715, *ch.* 26, §. 7.

2. But Fees due from Malefactors that are executed, or baniſhed Perſons, who have no Eſtates in the Province, ſhall be paid by the County. *Ibid.* §. 8.

3. All Fees due on the Proſecution of any imported Servants, at the Suit of the Lord Proprietor, ſhall be paid by the Owners of ſuch Servants, and not by the Public or County. 1727, *ch.* 2, §. 2.

4. And the Owners, (unleſs in caſe of Conviction and Execution for capital Offences) ſhall have Recompence for ſuch Fees by ſuch Servitude of the Servants, not exceeding Three Years, as ſhall be thought reaſonable by the County Court; unleſs the Servant can make Payment otherwiſe. *Ibid.* §. 3.

CRIMINALS. See *Speedy Trial*.

CROPPING. See *Coins*, 1. *Negroes*, 27, 40, 43. *Records*, 14.

CROP-TOBACCOES. See *Inſpectors*, 24—27.

CROWS. See *Squirrels*.

CURSING, SWEARING AND DRUNKENNESS.

1. Every Perſon profanely Curſing or Swearing, in Preſence or Hearing of any Magiſtrate, Miniſter, Commiſſary-General, Secretary, Sheriff, Coroner, Provincial or County Clerk, Veſtry-man, Church-warden or Conſtable; or being thereof convict before any Magiſtrate, ſhall be fined, for the firſt Oath or Curſe, 2*s.* 6*d.* current Money; and for every Oath or Curſe, after the firſt, 5*s.* to the Uſe of the County. 1723, *ch.* 16, §. 2.

2. Perſons, Drunk in Preſence of any of the Perſons aforeſaid, or thereof convict, ſhall be fined 5*s.* for every Offence. *Ibid.* §. 3.

3. If the ſaid Fines be not immediately paid on Conviction, the Magiſtrate, or other Officer aforeſaid, ſhall order the Offender (not being a Freeholder or other reputable Perſon) to be Whipped or put in the Stocks, (but no Offender ſhall receive more than 39 Laſhes, or be kept in the Stocks above Three Hours, upon any One Conviction) and may appoint any Perſon not being legally exempted, as a Conſtable, to puniſh the Offender; which Perſon refuſing to act ſhall forfeit 10*s.* Currency. *Ibid.* §. 4 and 5.

4. All ſuch Convictions of Freeholders, or other reputable Perſons, not having Money to pay the Fines, ſhall be certified by the Magiſtrate or other Officer, to the County Clerk; who ſhall make out Liſts thereof, with the County Levy, to the Sheriff, under the County Seal, who ſhall levy the ſame by way of Execution, in the ſame Manner as public Dues. *Ibid.* §. 4.

CURSING, SWEARING AND DRUNKENNESS.

5. Every Magiſtrate, or other Officer, appointed to put this Act in Execution, being themſelves guilty of Curſing, Swearing, or Drunkenneſs, or omitting to puniſh others according to Law, ſhall, on Conviction before any other Magiſtrate or Officer above-mentioned, forfeit 10*s.* current Money, to be levied and applied as aforeſaid. *Ibid.* §. 6.

6. Every Offender reviling any Magiſtrate or other Officer in the Execution of this Act, ſhall give Security in the Sum of 5*l.* Currency for his good Behaviour for Three Months, or ſuffer One Month's Impriſonment without Bail. *Ibid.* §. 7.

7. Any Magiſtrate or other Perſon, aſſaulted or beaten in the Execution of this Act, on bringing an Action of Aſſault, &c. ſhall recover treble Damages and full Coſts. *Ibid.* §. 8.

8. Perſons ſued for any Thing done in Execution of this Act, may plead the General Iſſue; and on Verdict in their Favour, or Non-ſuit of the Plaintiff, ſhall have treble Coſts. *Ibid.* §. 9.

9. Proſecutions and Informations for Curſing, Swearing, Drunkenneſs, and Omiſſion to puniſh the ſame, ſhall be made within Ten Days after the Fact, and not afterwards. *Ibid.* §. 13.

D.

DAMAGES.

1. THE Juſtices of any Court of Record may aſſeſs Damages, and give final Judgment in all Actions of the Caſe upon *Aſſumpſit*, nor ſhall ſuch Judgment be reverſed for want of ſpeeding a Writ of Enquiry. 1722, *ch.* 6, §. 1.

2. But if either Party ſhall, the ſame Court, pray a Writ of Enquiry, it ſhall iſſue. *Ibid.* §. 2.

3. If the Plaintiff inſiſt on ſuch Writ, and refuſe Judgment for what the Defendant ſhall confeſs, he ſhall be at the Charge of ſuch Writ, if the Jury aſſeſs no more Damages than the Defendant ſo confeſſed. *Ibid.*

See *Appeal*, 6. *Arreſts*, 2, 3. *Bills of Exchange*, 3, 5. *Horſes*, 4. *Indians Lands*, 16. *Inſpectors*, 13. *Perjury*, 3. *Proceſs Criminal*, 2. *Servants*, 6, 18. *Tobacco Plants*, 1.

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DEBTS.

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DECREES. See *Prerogative Court*, 2—4.
DEDUCTION. See *Tobacco Debts*, 1, 2, 8.
DEED of Gift. See *Negroes*, 50. *Secret Sales*, 1.
DEED of Sale ſhall take Effect from the Day of Enrolment, and not from the Day of Date. See *Conveyances*, 9.

DEER.

1. For Preſervation of the Breed of Wild Deer, No Perſon within this Province, (Friend *Indians* excepted) ſhall kill any Deer, between the firſt Day of *January*, and the laſt Day of *July* in every Year; under the Penalty of 400lb Tobacco for every Deer ſo killed; to be recovered before a ſingle Magiſtrate as in Caſe of ſmall Debts; one Half to the County School, the other to the Informer. 1730, *ch.* 17, §. 2.

2. Perſons in whoſe Cuſtody any Deer's Fleſh ſhall be found, which ſhall appear to have been killed within the Time before limited, ſhall be liable to the ſaid Penalty, unleſs they make appear before a Magiſtrate, who was the real Killer of the Deer, or from whom they received the ſame. *Ibid.* §. 3.

3. The Liberty given in this Act to *Indians*, ſhall extend only to the Killing of Deer, to their private Uſe, and not for Sale. *Ibid.* §. 4.

4. No Inhabitant within this Province ſhall purchaſe any dead Deer, or Part thereof, of any *Indian*, within the Time prohibited by this Act, under the Penalty aforeſaid. *Ibid.*

DELEGATES.

1. Writs of Election ſhall be iſſued Forty Days at leaſt before the Meeting of the Aſſembly. *(For the Form of the Writ, ſee the Act.)* 1716, *ch.* 11, §. 3.

2. The Four Delegates to be elected for each County, ſhall attend at the Time and Place of Meeting of ſuch Aſſembly, without any farther Writ or Summons, under Penalty of ſuch Fines as ſhall be impoſed upon them by the Lower Houſe, unleſs upon ſufficient Excuſe, to be allowed by the ſaid Houſe. *Ibid.* §. 4.

3. No Ordinary-Keeper, or other Perſon diſabled by the Laws of *England* from ſitting in Parliament, ſhall be elected or ſerve in the Aſſembly. *Ibid.* §. 5.

4. Any Sheriff not giving ſpeedy Notice to the Inhabitants of the Time and Place of ſuch Election, as well by Proclamation, as by cauſing the ſame to be read in all Churches and other Public Places within his County, as alſo by Notes ſet up at ſuch Places, requiring ſuch Inhabitants (under Penalty of 100lb Tobacco) to appear at ſuch Time and Place; or making any undue or illegal Election or Return; or neglecting to make Return of the Delegates ſo elected, by Indenture, before the Day of Sitting, *&c.* ſhall for every ſuch Fault, be fined at the Diſcretion of the Lower Houſe, not exceeding 250*l.* Sterling: One Half to the Support of Government, the other to the Perſon informing or ſuing for the ſame; to be recovered in a Court of Record having Juriſdiction of the ſame, by Action of Debt, *&c.* *Ibid.* §. 6.

5. Perſons qualified to Vote, and neglecting to appear at the Time and Place of Election, forfeit 100lb Tobacco; one Half to the County Charge, the other to the Informer, who ſhall complain to one or more Magiſtrates of ſuch Offence: Which Magiſtrates ſhall determine, and award Execution, unleſs ſuch Perſons ſhall at the next County Court, ſhew ſufficient Cauſe of Abſence. *Ibid.* §. 7.

6. This Act ſhall not exclude any County, City, or Borough hereafter to be erected, from the Election of Burgeſſes, Delegates, and Repreſentatives. But ſuch Writ, on calling every Aſſembly, ſhall be directed to the Sheriff of every ſuch County, and to the Mayor, Recorder and Aldermen of every ſuch City or Borough, commanding them to cauſe Four Freemen of ſuch County, and Two Freemen of ſuch City, *&c.* qualified as in the ſaid Writ is expreſſed, to ſerve as Delegates, *&c.* in the enſuing Aſſembly. Which Four Delegates for every ſuch County, and Two for the

City or Borough, ſhall be deemed Members of the Lower Houſe. *Ibid.* §. 8.

7. All Councillors ſhall be allowed 150lb Tobacco per Day, and each Delegate and Burgeſs 140lb Tobacco per Day, during their Attendance at ſuch Aſſemblies (beſides their itinerant Charges) to be paid out of the public Levy. *Ibid.* §. 9. But ſee *Annapolis*, 16.

8. On Death or Removal of any Member, Writs of Election ſhall immediately iſſue (upon the Speaker's Warrant to the Secretary) directed to the ſeveral Perſons or Bodies Politic, to whom the Execution of ſuch Writs ſhall belong; who ſhall immediately proceed to the Execution thereof according to the Act of 1716, *ch.* 11, without any Regard to the Time between the Teſt and Return of ſuch Writ, ſo as public Notice be given in a County according to the ſaid Law; and Four Days Notice of Election in a City or Borough. 1718, *ch.* 1, §. 2.

9. All profeſſed Papiſts are declared incapable of Voting in Elections, unleſs they firſt qualify by taking the Oaths appointed by the Act of 1716, *ch.* 5, and ſubſcribe the Oath of Abjuration and the Teſt. *Ibid.* §. 3.

10. Sheriffs and other Judges of Elections, ſhall, as often as they ſee needful, or on Information of any other Perſon qualified to Vote, tender the aforeſaid Oaths and Subſcriptions to Perſons ſuſpected to be Papiſts, or Popiſhly inclined; and ſet aſide their Votes on Refuſal. *Ibid.* §. 4.

11. But this ſhall not debar Quakers from their Votes, they being otherwiſe duly qualified. *Ibid.* §. 5. *(See below*, Art. 13.)

12. Sheriffs, or Bodies Politic, making undue Return, contrary to the Intent of this, or the Act of 1716, *ch.* 11, ſhall be liable to the Penalties which Sheriffs are made liable to by that Act; *(See above*, Art. 4.) to be recovered and applied as therein mentioned. *Ibid.* §. 6.

13. Doubts having ariſen on the Conſtruction of the Proviſo in the above Act, *(ſee above*, Art. 11,) it is declared, that in all Caſes where the People of this Province are obliged to take the Oaths to his Majeſty's Government, the Quakers ſhall likewiſe be obliged to take their Affirmation inſtead of ſuch Oaths. 1724, *ch.* 18.

14. Delegates are exempted from ſerving as Jurors. See *Jurors*, 4.

15. Inſpectors ſhall not be capable of being elected Delegates, *&c.* See *Inſpectors*, 46.

See *Jurors*, 4. *Militia*, 2.

DEMAND OF DEBTS.

1. That no honeſt Debtor, who hath not fled or abſconded from Juſtice, may be ſurprized by unneceſſary and vexatious Suits, no Perſon reſiding in or trading to this Province, ſhall ſue for any Book Debt, *&c.* for which the Debtor hath not paſſed his Hand and Seal, without firſt demanding the ſame of the Debtor at his Habitation; of which Demand the Creditor's or Demandant's Oath ſhall be Proof. 1729, *ch.* 20, §. 3.

2. If the Debtor be not at home, then ſhall the Demandant leave a Note under his Hand, of the Time when, and the Perſon to whom it ſhall be paid. And if not paid accordingly, the Creditor may then ſue, and recover Coſts and Damages. *Ibid.*

3. But if the Creditor ſue without making ſuch Demand, he ſhall loſe his Coſts; but ſhall have Judgment for the Debt or Damages, or Balance appearing due thereon. *Ibid.* §. 4.

See *Public Dues*, 1.

DEPUTY CLERKS. See *Attorneys*, 1. *Records*, 1.

DEPUTY-COMMISSARY.

1. The Commiſſary-General ſhall appoint a ſufficient Freeholder in each County, to take the Probat of Wills,

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DEPUTY-COMMISSARY.

Wills, and grant Letters Teſtamentary, and of Adminiſtration, to any Perſon having Right to the Adminiſtration of the Eſtate of any Perſon deceaſed, in the County. 1715, *ch.* 39, §. 29.

2. But if Diſputes ariſe concerning ſuch Right, he ſhall not grant Adminiſtration, or take the Probat of ſuch Will before a Deciſion of the Diſpute, and Certificate thereof, by the Commiſſary-General. *Ibid.*

3. The Deputy-Commiſſary ſhall be allowed, for granting Letters of Adminiſtration, and ſwearing the Adminiſtrators and Appraiſers; or for the Probat of a Will, ſwearing the Executors, *&c.* and Letters Teſtamentary, 150 lb Tobacco, leviable by Execution. *Ibid.*

4. But where the Inventory of the Eſtate doth not amount to 10 *l.* in Money, he ſhall have no more than 50 lb Tobacco; and, in ſuch Caſe, the Commiſſary-General ſhall have no Fees. *Ibid.* *(See below,* Art. 9, and 12.*)*

5. The Deputy-Commiſſary is impowered to paſs all Accounts relating to the Eſtates of deceaſed Perſons, wherein they have granted Letters of Adminiſtration or Letters Teſtamentary, not exceeding 50 *l.* in Money: (provided there be no Controverſy thereon) And ſhall tranſmit ſuch Accounts, within Two Months, to the Commiſſary-General's Office, on Penalty of 2000 lb Tobacco; One Half to the Support of Government, the other Half to the Party rendering ſuch Account: And ſhall have 50 lb Tobacco Fee for paſſing ſuch Account. *Ibid.* §. 34. *(See below,* Art. 8.*)*

6. But if any Objection be made thereto by any Perſon intereſted in the Eſtate, then ſhall the Deputy-Commiſſary mark the diſputed Articles, and tranſmit the Account, *&c.* to the Commiſſary-General, to be by him determined on hearing the Parties. *Ibid.*

7. Every Deputy-Commiſſary ſhall give Bond in the County Court, with ſufficient Sureties to be approved by the Court, payable to his Lordſhip, in the Penalty of 200 *l.* Sterling, for the due Execution of his Office. Which Bond ſhall be lodged in the Prerogative Office, and liable to be ſued as other Officers Bonds are. 1722, *ch.* 10, §. 5.

8. Deputy-Commiſſaries are impowered to paſs any Accounts of the Eſtates of deceaſed Perſons, without ſpecial Commiſſion from the Commiſſary-General, where the Amount of the Inventory does not exceed 150 *l.* Currency. 1763, *ch.* 18, §. 106.

9. All Eſtates, not exceeding 30 *l.* Current Money, ſhall be deemed Pauper Eſtates, and in ſuch Caſe no larger Fees ſhall be taken by any Deputy-Commiſſary than allowed in *Art.* 4, nor any Fees to the Commiſſary-General. *Ibid.* §. 107.

10. No Deputy-Commiſſary ſhall exact or receive any Fee or Gratuity for giving his Advice in any Matter relative to his Office, or for procuring a Commiſſion from the Commiſſary-General to paſs any Account before him. *Ibid.* §. 125.

11. No Deputy-Commiſſary ſhall exact or receive any other Fees for drawing and ſtating Accounts than 1½ lb Tobacco for each Voucher produced and allowed in ſuch Accounts. *Ibid.* §. 126.

12. No Deputy-Commiſſary ſhall charge more than 50 lb Tobacco for paſſing the firſt Account of any Pauper Eſtate, or demand, *&c.* any Fees for paſſing any additional Account thereof. *Ibid.* §. 127.

DEPUTY INSPECTORS. See *Inſpectors*, 15, 16.

DEPUTY SHERIFFS. See *Attorneys*, 1. *Sheriffs*, per Tot.

DEPUTY SURVEYORS. See *Surveyors*, 2.

DETINUE. See *Limitation of Actions*, 1. *Special Bail*, 10.

DIET. See *Guardians*, 6. *Orphans*, 3.

DISCONTINUANCE. See *Continuance of Action*, 2.

DISCOUNT.

1. Sheriffs ſhall diſcount their own Debts (which ſhall be underſtood to be ſuch Debts as are aſſigned to the Inhabitants in the Public, County, or Pariſh Levy, or the 40 per Poll, or due from the High Sheriff by Bill, Bond, Note, or Account proved) out of any Levies due from their Creditors; which, if they refuſe, they ſhall be liable to Action of Treſpaſs or Falſe Impriſonment, as the Caſe ſhall require, not only for their own, but alſo for their Deputies Offences herein. 1715, *ch.* 46, §. 11 and 12.

2. Sheriffs ſhall diſcount Notes drawn on them, by Public Creditors or Officers having Tobaccoes in their Hands, in favour of, or endorſed to any Perſons indebted to them for Public or County Levies, Public Dues or Officers Fees, without any Deduction on Account of ſuch Diſcount; on Penalty of 2000 lb Tobacco: One Half to the County School, the other to the Perſon ſuing for the ſame. 1724, *ch.* 21, §. 4.

3. But no Sheriff ſhall be obliged to break an entire Hogſhead to diſcount a Parcel, except where ſuch Parcel ſhall be immediately due from the Sheriff to the Debtor. *Ibid.* §. 5. See *Levies*, 16.

DISCOUNT IN BAR.

1. In Suit upon Aſſumption, or Bill or Bond under Hand and Seal, if the Debtor plead an Account of his own againſt the Creditor, ariſing ſince the paſſing of the Bill or Bond, or after ſuch Aſſumption, or give an Account, proved according to this Act, and filed in Court, in Evidence upon the General Iſſue; the Court, on good Proof of ſuch Account, may cauſe the ſame (though of an inferior Nature) to be Diſcounted, and give Judgment for the Balance only, with Coſts of Suit. 1729, *ch.* 20, §. 5.

2. But if ſuch Balance do not exceed 400 lb Tobacco, or 33 *s.* 4 *d.* in the County Court; or 1500 lb Tobacco, or 6 *l.* 5 *s.* in the Provincial Court, the Plaintiff ſhall be Non-ſuited. *Ibid.*

3. This Act ſhall not give the Provincial Court any other Juriſdiction than what is agreeable to the Act of 1714, *ch.* 4. *Ibid.* §. 6.

DISSENTERS.

Proteſtant Diſſenters and Quakers, ſhall have the full Benefit of all Exemptions, Eaſe and Indulgencies, granted and allowed by the Stat. of 1 *W.* and *M. for exempting their Majeſty's Proteſtant Subjects, diſſenting from the Church of* England, *from the Penalties of certain Laws:* And the Stat. of 7 and 8 W. III. *That the ſolemn Affirmation or Declaration of the People called* Quakers, *ſhall be accepted inſtead of an Oath in the uſual Form.* Only the Things required by thoſe Acts to be done, by or at the General or Quarter-Seſſions, or other Courts, or by or to any ſingle Juſtice of the Peace, ſhall be done by, to, or at the ſeveral County Courts of this Province, or before, to or by the Juſtices of the ſame. And all Meeting-Houſes, or Places of Aſſembly for religious Worſhip, ſhall be certified unto, and regiſtered at the County Court, inſtead of the Biſhop of the Dioceſe, *&c.* 1702, *ch.* 1, §. 21.

See *Marriage*, 11. *Veſtry*, 9, 21.

DISSOLUTE LIVERS. See *Hog-Stealing*, 3.

DISTRESS. See *Conſtables*, 3. *Levies*, 18.

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DUTIES of Import and Export. An Allowance of 15 per Cent, to Perſons paying the ſame in Gold or Silver, imported for that Purpoſe. See *Gold and Silver*, 1, 2.

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ENROLMENT of DEEDS. See *Conveyances*, per Tot. *Manumiſſion of Slaves*, 4. *Negroes*, 50.
EQUITY. See *Advancement of Juſtice*, 4.
ESTABLISHED CHURCH. See *Church of England*.

EVIDENCE.

1. No Bill, Bond, &c. or other Specialty, ſhall be Evidence after 12 Years. See *Specialties*, 2.

2. No Negro, Mulatto, or *Indian* Slave, or Free *Indian*, nor any Mulatto born of a White Woman during their Time of Servitude by Law, ſhall be received as Evidence, in any Cauſe wherein any Chriſtian White Perſon is concerned. 1717, *ch.* 13, §. 1.

3. But where other ſufficient Evidence is wanting, they may be admitted at the Diſcretion of the Court, as Evidence againſt any Negro, Mulatto, or *Indian* Slave, or Free *Indian*, Free Negro, or Mulatto born of a White Woman during their legal Servitude, where ſuch Teſtimony doth not extend to Deprivation of Life or Member. *Ibid.* §. 2.

4. What ſhall be admitted as legal Evidence in Diſputes concerning Convicts. See *Convicts*, 1—7. Their Evidence ſhall be received againſt other Convicts in Criminal Proſecutions. See *Ibid.* 8 and 9.

5. The Exemplification of Debts of Record, whether by Judgment, Recognizance, Deed enrolled, &c. under Seal of the Court, ſhall be ſufficient Evidence to prove the ſame. 1729, *ch.* 20, §. 1.

6. What ſhall be received as Evidence of Accounts. See *Accounts*, 2—4.

7. What Evidence ſhall be admitted of Bonds. See *Bonds*, 1.

8. Evidences for proving the Bounds of Land. See *Boundaries of Land*, 4—9.

9. What ſhall be good Evidence for proving foreign Debts. See *Foreign Debts*.

10. Evidence of Sea-faring Men, how to be taken out of Court. See *Sea-faring Men*.

11. Evidence of Perſons convict of Perjury or Subornation, not to be received till the Judgment be reverſed. See *Perjury*, 1—3. *Witneſſes*, 1.

12. In what Caſe, and in what Manner, the Evidence of Slaves may be admitted againſt other Slaves, in Trial for Felony puniſhable by Death. See *Negroes*, 39—41.

For other Matters, ſee *Adminiſtrators*, 21. *Church Lands*, 2. *Demand of Debts*, 1. *Fornication*, 2—4. *Inſpectors*, 49. *Iron-Works*, 7. *Manumiſſion of Slaves*, 4. *Public Arms*, 1. *Records*, 4. *Tobacco Traſby*, 2.

EVIL FAME. See *Hog-Stealing*, 3.
EXAMINER-GENERAL. See *Surveyors*, 2.

EXECUTION.

Records of Judgment, &c. may be tranſmitted under Seal, from one County Court to another, and Execution iſſued thereon, without *Scire facias*, againſt Perſons flying, removing, or abſenting themſelves out of the County. 1715, *ch.* 41, §. 8.

See *Appeal*, 1. *Attachment*, 5, 6. *Attorneys*, 7. *Levies*, 18. *Muſters*, 6, 7, 9. *Public Arms*, 3—10. *Small Debts*, 1, 2, 8. *Stay of Execution*, per Tot.

EXECUTORS. See *Adminiſtrators*.
EXEMPLIFICATION of Debts of Record, under Seal of the Court, to be good Evidence thereof. See *Evidence*, 5. *Execution*, 1.
EX PARTE HEARING. See *Small Debts*, 2, 3.
EXPORT DUTIES. See *Bacon*, &c. 1.

F.

FACTORS of Bankrupts; and of Commiſſioners of Bankrupts. See *Bankrupts*, per Tot.
FACTORS of Merchants. See *Accounts*, 1.
FALSE IMPRISONMENT. See *Limitation of Actions*, 2. *Runaways*, 9.
FALSE PACKING. See *Tobacco Payments*, 11, 12.
FALSE REPORTS. See *Indians*, 3.

FEES.

1. No Officer hereafter mentioned in this Act, their Miniſters, Servants, or Deputies, ſhall by Colour of their Offices, directly or indirectly, take any other or greater Fees than by this Act are limited. 1763, *ch.* 18, §. 87, *viz.*

CHANCELLOR's Fees. *Ibid.* §. 88.
SECRETARY's Fees. *Ibid.* §. 89.
COMMISSARY-GENERAL's Fees. *Ibid.* 90.
JUDGE or REGISTER of the LAND-OFFICE, his Fees. *Ibid.* §. 91.
COUNTY CLERK's Fees. *Ibid.* §. 92, 93.
SHERIFF's Fees. *Ibid.* §. 94.
SURVEYOR-GENERAL's Fees. *Ibid.* §. 95.
JUDGE of the ADMIRALTY's Fees. *Ibid.* §. 96.
REGISTER of the ADMIRALTY's Fees. *Ibid.* §. 97.
MARSHAL of the ADMIRALTY's Fees. *Ibid.* §. 98.
EXAMINER-GENERAL's Fees. *Ibid.* §. 99.
CLERK of the COURT of APPEALS, his Fees. *Ibid.* §. 100.
CLERK of the COURT of DELEGATES, to have the ſame Fees that are allowed to the Court of Appeals, and no more. *Ibid.* §. 101.
CLERK of the COUNCIL's Fees. *Ibid.* §. 102.
CRYER of the PROVINCIAL COURT's Fees. *Ibid.* §. 103.
CORONER's Fees. *Ibid.* §. 104.
CRYER of the COUNTY COURT's Fees. *Ibid.* §. 105.

2. All Officers and Attorneys Fees (if paid in Tobacco) ſhall be paid in Inſpector's Notes, at ſome Warehouſe within the County where the Debtor reſides. But no Notes of the preceding Year ſhall paſs in ſuch Payment. *Ibid.* §. 21.

3. Officers and Attorneys, on ſending their Liſts to the Sheriff, ſhall make at the Foot of each Account (if paid in Tobacco) a Deduction of 10 per Cent for Conveniency; and omitting to make ſuch Deduction, ſhall forfeit the Debt to the Party owing the ſame. And 10 per Cent ſhall be abated to the Payer of Tobacco in Diſcharge thereof. *Ibid.* §. 24, 25.

4. Lawyers Fees paid in inſpected Tobacco, are liable to a Deduction of one Fifth. *Ibid.* §. 29.

5. All Fees payable in Tobacco, ſhall be ſatisfied in Inſpectors Notes to the Sheriff, before the 10th *June* yearly; and if not paid within that Time, the Sheriffs may diſtrain, &c. *Ibid.* §. 30.

6. And Sheriffs ſhall pay the ſeveral Creditors, all the Inſpectors Notes or Money they have received, on Account of their reſpective Claims, before the laſt Day of *June* yearly; on Forfeiture of double the Value to the Party grieved, &c. *Ibid.* §. 31.

7. Perſons not making Tobacco by themſelves, Servants, or Slaves, having firſt made Oath thereof, (and lodged a Certificate of ſuch Oath with the Sheriff, by the 10th *April* yearly, &c. *See* §. 82,) may at or before the 10th *April*, pay Fees in Gold or Silver as regulated by this Act, (*for which Regulation, ſee* §. 120,) tho' charged in Tobacco. *Ibid.* § 78, 79. Nor ſhall ſuch Perſons, tho' they fail in making Payment by the 10th *April* yearly, be executed in any other Manner than for Gold and Silver, at the Rates of Tobacco mentioned in this Act. *Ibid.* §. 81. But not paying before the 10th *June*, they may be executed for the ſame after the ſaid 10th *June*, in Gold and Silver as aforeſaid. *Ibid.* §. 83.

8. Perſons making Tobacco, may pay what they make in one Year towards the Diſcharge of Fees, &c. to be proportionably divided among the Public Creditors, ſuch Perſons making Oath, that they have not made more than what they have already paid, &c. provided they pay ſuch Tobacco by the 5th *April*, and diſcharge the Reſidue in Gold and Silver as aforeſaid by the 10th *June*. *Ibid.* §. 84 and 85.

9. No

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FEES.

9. No Officers or their Clerks, *&c.* in this Act mentioned, ſhall charge other or larger Fees than by this Act is limited, *&c.* without Conſent of the General Aſſembly, on Forfeiture to the Party, not only of the Fees ſo charged or taken, but alſo 5000 lb Tobacco; to be recovered in any Court of Record, by Action of Debt, *&c.* And in Caſe the Party grieved do not proſecute the Offender within Six Months, then any other Perſon may proſecute for the ſame. *Ibid.* §. 109.

10. All Officers in this Act mentioned, ſhall take an Oath, that they will faithfully and impartially execute their ſeveral Offices, and charge no other, *&c.* Fees than are in this Act mentioned, *&c.* which Oath ſhall be taken prior to their receiving any Profits of ſuch Offices. *Ibid.* §. 110. And all their Under Clerks and Deputies ſhall (under Penalty of 5000 lb Tobacco for every Refuſal or Neglect) take the Oath in this Section preſcribed. Which ſeveral Oaths ſhall be returned by the Magiſtrate before whom taken, to the Provincial or County Offices, as the Caſe ſhall require, and there recorded. *Ibid.* §. 111.

11. Accounts of Fees ſhall be drawn out fair, in Words at length. And Perſons charged therewith ſhall have a Copy of ſuch Accounts in as ſhort a Time as may be convenient. *Ibid.*

12. All Perſons entitled to Fees under this Act, ſhall ſet up a Table thereof in the moſt public Place of their Offices. *Ibid.*

13. No Officers ſhall ſend out their Fees upon Execution but once in every Year, between the 1st *December* and 10th *January:* Nor ſhall the Parties charged be liable to Execution, unleſs their Accounts be delivered them by the laſt Day of *February*. *Ibid.* §. 112.

For other Particulars, ſee *Acts of Aſſembly*, 2, 6. *Advancement of Juſtice*, 4. *Agents*, 2. *Attorneys*, 5, 6, 7, 11, 12. *Bills of Exchange*, 2. *Bonds*, 2, 4. *Collectors*, 1, 2. *Conſtables*, 8, 11. *Conveyances*, 5. *Criminal Fees*, per Tot. *Deputy-Commiſſary*, 3, 4, 9—12. *Flour*, &c. 1, 5. *Muſters*, 7, 9. *Naturalization Bills*, 1. *Naval Officers*, 5, 6. *Officers Fees*, per Tot. *Paſſes*, 2. *Proceſs Civil*, 1. *Public Arms*, 9. *Runaways*, 2, 9, 10. *Servants*, 21. *Standard*, 3, 4. *Stay of Execution*, 5. *Special Bail*, 4, 5, 8. *Surveyors*, 2. *Veſtry*, 14, 16, 24. *Witneſſes*, 9, 10.

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FELONY, without Benefit of Clergy. See *Blaſphemy*, 3. *Boats*, 1, 2. *Horſe-Stealers*, 1. *Houſe-breaking*, 2, 3. *Negroes*, 35, 37, 38. *Tobacco-Houſes*, 1.

FEMME COVERT.

1. Not bound by the Act of Limitation during Coverture. 1715, *ch.* 23, §. 3 and 6.

2. Her Acknowledgment of Deeds, how to be taken. See *Adminiſtration Bonds*, 3. *Bankrupts*, 5. *Conveyances*, 10, 13. *Specialties*, 2.

FENCES.

All Incloſures by Fences, or otherwiſe, ſhall be Five Feet high. 1715, *ch.* 31, §. 1. See *Horſes*, 1.

FIERI FACIAS.

1. If, on a Writ of *Fieri Facias*, the Defendant will (upon Oath) ſhew all his Perſonal Eſtate, when required; or, if an Executor or Adminiſtrator will ſhew all the perſonal Eſtate of the deceaſed, ſo that ſuch Part may be levied as the Plaintiff or his Attorney ſhall direct; the Sheriff ſhall cauſe the Goods to be appraiſed, within Three Days, by Four Freeholders of the County who are not of Kin, nor Debtor or Creditor to, either Party, Two of them to be named by the Plaintiff, and Two by the Defendant. 1716, *ch.* 16, §. 2.

FIERI FACIAS.

2. The Sheriff ſhall thereupon give Notice to the Creditor, or his Attorney, of the Value of the Goods; and ſhall deliver ſo much thereof (according to the Appraiſement) as will amount to the Debt and Coſts, to the Plaintiff or his Attorney, in Diſcharge thereof: And the Creditor ſhall be obliged to accept of the ſame, at the appraiſed Value, for ſo much of the Debt and Coſt as ſuch Goods will amount to. *Ibid.*

3. If the Creditor refuſe ſuch Acceptance, the Sheriff may retain the Goods in his own Hands, for the Uſe and at the Riſque of the Creditor, who ſhall pay the Sheriff all his Coſts and Charges in keeping and ſecuring the ſame; And ſhall have no other Action againſt the Sheriff than for the Goods ſo taken, *&c.* And the Sheriff ſhall give a full Diſcharge to the Debtor for the Amount of the appraiſed Value; which ſhall be a perpetual Bar againſt ſuch Creditor, for ſo much as the Goods by Appraiſement ſhall amount to. *Ibid.*

4. Where either Plaintiff or Defendant are Non-Reſidents within the County, or ſhall not be preſent (on Notice given) at the Time and Place of Appraiſement, the Sheriff may appoint Two legal Appraiſers in Behalf of the abſent Party. *Ibid.* §. 3.

5. If both be Non-Reſidents, or not preſent, then the Sheriff, on Behalf of both Parties, may chuſe Four Appraiſers, qualified as aforeſaid. *Ibid.*

6. This Act ſhall not impower any Sheriff to ſeize, by *Fieri Facias*, any Slave, Plate, or Jewels, in the Hands of any Executor, *&c.* reſerved in Favour of Orphans by the Act of 1715, *ch.* 39; but the Sheriff ſhall be obliged to follow the Directions of that Act touching the ſame. *Ibid.* §. 4.

See *Adminiſtration Bonds*, 2. *Small Debts*, 1.

FINES AND FORFEITURES.

1. All Fines, Forfeitures, and Penalties, which by former Provincial Laws are made payable to or recoverable by the King, ſhall henceforward be payable to the Lord Proprietary, and recoverable by him in his own Name, to the Uſes in thoſe Laws expreſſed. 1716, *ch.* 3, §. 2.

2. Where ſuch Fines are appropriated to the Support of Government, his Lordſhip's Government of this Province ſhall be thereby underſtood, and no other. *Ibid.* §. 3.

3. FINES, *&c.* where the whole is given to his Lordſhip, or appropriated to the Support of Government.

Perſons ſummoned as Witneſſes to the Provincial Court, and not appearing, forfeit 1000 lb Tobacco; and in a County Court 500 lb Tobacco. See *Witneſſes*, 3, 4.

Sheriffs neglecting to ſummon Jurymen, ſhall be fined,——in the Provincial Court, 1000 lb Tobacco;——in the County Court, 500 lb Tobacco. See *Jurors*, 1, 2.

Clerk of the Provincial Court neglecting to lay a Liſt of Petit Jurors, their Days of Attendance, *&c.* before the Committee for laying the public Levy, yearly, forfeits 6000 lb Tobacco. See *Ibid.* 7.

Owners neglecting or refuſing to bring ſuch Servants, of whom they claim more than Five Years Servitude, into Court, to have their Ages adjudged and recorded, forfeit 1000 lb Tobacco. See *Servants*, 9.

County Clerk neglecting to give the Attorney-General Notice of any former Conviction of a Criminal, forfeits 500 lb Tobacco. See *Thieving*, 6.

Jurors ſummoned, and not appearing at the Provincial Court, forfeit 1000 lb Tobacco; if in the County Court, they forfeit 500 lb Tobacco. See *Jurors*, 3.

Miniſters, Prieſts, or Magiſtrates, joining any Perſons together in Marriage, contrary to the Table of Marriages, forfeit 5000 lb Tobacco. And Lay-Magiſtrates marrying any Perſons in any Pariſh

wherein is an Incumbent, forfeit 5000 lb Tobacco. See *Marriage*, 1, 2.

County Courts neglecting to appoint Preſs-maſters, forfeit, each Juſtice, 500 lb Tobacco: And Perſons ſo appointed, refuſing to ſerve, &c. forfeit 500 lb Tobacco for each Offence. See *Preſs-maſters*, 2, 3.

Perſons unlawfully abuſing their Servants, forfeit, for the Firſt and Second Offence, a Sum not exceeding 1000 lb Tobacco. See *Servants*, 12.

Fines for Breach of Rules in the Provincial Court are not to exceed 1000 lb Tobacco. See *Provincial Court*, 2.

4. FINES, where Half is given to his Lordſhip, Half to the Informer,

Maſters not delivering a Gun to a Man-Servant at the Expiration of his Servitude, &c. And ſuch Freeman ſelling the ſame within Twelve Months, forfeit 500 lb Tobacco. See *Freedom Dues*, 1.

Perſons Running Tobacco out of the Province, without Entry with the proper Officer, forfeit 10 *l.* Sterling per Hogſhead, or other Package, and the like Penalty for every Parcel of 500 Weight, and ſo in Proportion. See *Tobacco Run*, 1.

Tobacco, put on board any Boat, &c. in any River or Creek, from whence Tobacco hath been uſually carried into any neighbouring Colonies, or laden in any Cart, &c. without a Permit from the proper Officer, ſhall be forfeited, with the Veſſel, Cart and Horſes, &c. See *Ibid.* 2.

Perſons abuſing or reſiſting Officers in the Execution of this Law, forfeit 10 *l.* Sterling. See *Ibid.* 3.

Officers of the Cuſtoms, Magiſtrates, Sheriffs, Veſtry-men, Church-wardens and Conſtables, neglecting to put this Act in Execution, forfeit 5 *l.* Sterling for every Neglect. See *Ibid.* 4.

Perſons convict of Thieving, &c. hunting or carrying a Gun on any ſeated Plantation, without Leave, &c. forfeit 1000 *l.* Tobacco. See *Hog Stealing*, 3.

5. FINES, where Half is given to Support of Government, and Half to the Informer, &c.

Injuring of Harbours by throwing out Ballaſt, Penalty is 50 *l.* Currency: By building of Wears, &c. Penalty is 10 *l.* Currency. See *Harbours*, 1, 2.

Naval Officers neglecting to keep a Copy of the Act for preventing the Injury of Harbours in their Offices, forfeit 10 *l.* Currency. See *Naval Officers*, 7.

Shipping, or tranſporting Hides tanned or untanned, or old Iron, out of the Province, the Penalty is 50 *l.* Currency. See *Hides*, 2.

The Fines upon Ingroſſers. See *Ingroſſers*, 2.

Carrying Liquors to *Indian* Towns; Penalty, 5000 lb Tobacco. See *Indians*, 1.

Clerk of the Council, and Clerk of the Lower Houſe, neglecting to tranſmit Copies of the reſpective Journals of the Two Houſes to the Secretary's Office, within Two Months after the End of each Seſſion, forfeit 500 lb Tobacco. See *Journals of Aſſembly*.

Perſons Marrying without Publication or Licence, forfeit 5000 lb Tobacco: And Miniſters marrying ſuch, forfeit 5000 lb Tobacco. See *Marriage*, 6—8.

Perſons reſident in this Province, getting their Marriage ſolemnized in any neighbouring Colony (unleſs the Woman be Reſident in ſuch Colony) forfeit 5000 lb Tobacco. See *Ibid.* 9.

Perſons exacting more than legal Intereſt, forfeit treble Value of the Debt. See *Uſury*, 3.

Millers taking unlawful Toll, forfeit 1000 lb Tobacco. See *Water Mills*, 5.

Collectors not ſetting up Tables of their Fees, in their Offices, forfeit 50 *l.* Sterling. See *Collectors*.

County Courts neglecting to give in Charge to the Orphan Jury, every *June* Court, to enquire if any Waſte hath been made of Orphans Lands, forfeit 1600 lb Tobacco. See *Orphans*, 14.

Perſons permitting or conniving at Running Tobacco, before Duty paid, into *Pennſylvania*, &c. and the Owners, Purchaſers and Carriers of ſuch Tobacco, and their Aſſiſtants and Abettors, forfeit 10 *l.* Sterling for every Hogſhead, or every 400 lb Tobacco ſo carried. See *Tobacco Duties*, 2.

Veſtries neglecting to tranſmit a yearly Account (of the diſpoſal of the 40 per Poll during the Vacancy of any Pariſh, or of the 10 per Poll Parochial Tax) to the Governor and Council, forfeit 1000 lb Tobacco. See *Veſtry*, 29.

Secretary making default in Recording the Acts of Aſſembly, forfeits 10,000 lb Tobacco. See *Acts of Aſſembly*, 5.

Magiſtrates, Sheriffs, or Clerks, practiſing as Attorneys in the Courts wherein they bear Office, forfeit 3000 lb Tobacco. See *Attorneys*, 1.

Attorney-General, &c. iſſuing Criminal Proceſs without Preſentment, &c. forfeits in the Provincial Court 5000 lb Tobacco, in a County Court 2500 lb Tobacco. See *Ibid.* 4.

Sheriffs taking Bail Bonds for more than 8000 lb Tobacco in Action of Treſpaſs, forfeit 4000 lb Tobacco. See *Bail Bonds*.

Commiſſary-General neglecting to tranſmit Accounts of the Balances of Inteſtates Eſtates to the County Court, &c. forfeits 10,000 lb Tobacco. See *Commiſſary-General*, 4.

Sheriffs not giving due Notice, &c. of Elections, may be fined at the Diſcretion of the Lower Houſe of Aſſembly, not exceeding 250 *l.* Sterling. See *Delegates*, 4.

Deputy-Commiſſary not tranſmitting Accounts in Time, to the Commiſſary-General, forfeits 2000 lb Tobacco. See *Deputy-Commiſſary*, 5.

County Clerks iſſuing Criminal Proceſs without an Order for the ſame, under the Hand of an Attorney, forfeit 2500 lb Tobacco. See *County Clerks*, 21.

County Clerks delivering out blank Writs, &c. forfeit 6000 lb Tobacco. See *Ibid.* 22.

Merchants or Others, Shipping Tobacco before Publication of the Freight, forfeit all ſuch Tobacco, or the Value thereof. Maſters of Ships taking Tobacco on board before ſuch Publication, forfeit 20 *s.* per Hogſhead. Omitting to ſend Certificate of ſuch Publication with Craft fetching Tobacco from another County, forfeit 20 *s.* Sterling. And Collectors and Naval Officers neglecting to affix Copies of this Act in their reſpective Offices, forfeit 40 *s.* Sterling. See *Freight of Tobacco*.

Sheriffs neglecting to forward Public Letters, forfeit 2000 lb Tobacco. See *Letters Public*, 4.

Perſons breaking open any Public Letter, forfeit 20 *l.* Sterling. See *Ibid.* 5.

Perſons breaking open any Private Letter, forfeit 5 *l.* Sterling. See *Letters Private*, 1.

County Clerks neglecting to tranſmit a Copy of the Levy to the Governor and Council yearly, before the Tenth of *March*, forfeit 1000 lb Tobacco. See *Levies*, 2.

Liquors brought by Land from *Pennſylvania* to any other Place than *Bohemia* Landing, or put on board any Veſſel in the Bay, before Duty paid, are forfeited, or their Value. See *Liquors Imported*, 9, 11.

Liquors landed before Invoice upon Oath, and Entry made, are forfeited, or the Value. See *Ibid.* 14, 15.

Perſons exacting undue Fees upon Naturalization Bills, forfeit 2000 lb Tobacco. See *Naturalization Bills*, 2.

Naval Officers neglecting to put up Tables of their Fees in their ſeveral Offices, forfeit 50 *l.* Sterling. See *Naval Officers*, 6.

Naval Officers not ſetting up a Copy of the Act to prevent Injury of Harbours in their Offices, forfeit 10 *l* Currency. See *Ibid.* 7.

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FINES.——Half to the Support of Government, &c.

Veſtries neglecting to inſpect Parochial Libraries twice a Year, forfeit 1400 lb Tobacco. See *Parochial Libraries*, 3.

Perſons convict of Subornation of Perjury, forfeit 40*l.* Sterling; and thoſe convict of Perjury, forfeit 20*l.* Sterling. See *Perjury*, 1, 2, 4.

Perſons ranging the Woods after Wild Cattle, without Commiſſion, forfeit, for every Wild Creature by them kill'd or taken away, 5000 lb Tobacco. And licenced Rangers taking up, &c. any unmarked Cattle, under 3 Years old, forfeit the ſame. See *Rangers*, 2, 4.

Perſons embezzling, &c. any Will or Record to the Damage of another, forfeit all their Lands and Goods. See *Records*, 14.

Perſons dealing with Servants or Slaves, without Leave of their Owners, forfeit 2000 lb Tobacco. See *Servants*, 5.

County Juſtices neglecting to compleat their Standards, &c. forfeit 500 lb Tobacco each. See *Standard*, 2.

Surveyors to take the Oaths, &c. before they enter on Duty, on Penalty of 100*l.* Sterling. See *Surveyors*, 2.

County Courts neglecting to tranſmit Sheriffs Bonds within Two Months, to the Secretary's Office, forfeit 1500 lb Tobacco. See *Sheriffs*, 25.

6. FINES, wholly given to the County Charge or Uſe.

County Clerks neglecting to deliver the Appointment of Conſtables to the Sheriff, and the Sheriff neglecting to deliver the ſame to the reſpective Perſons ſo appointed, forfeit 20*s.* for each Neglect. See *Conſtables*, 2.

Sabbath Breakers, forfeit 200 lb Tobacco. See *Sabbath Breaking*, 1.

Blaſphemy, Perſons convict thereof, forfeit for the firſt Offence 20*l.* Sterling; for the ſecond Offence 40*l.* Sterling. See *Blaſphemy*, 1, 2.

Conſtables refuſing to qualify, &c. forfeit 500 lb Tobacco. See *Conſtables*, 3.

Perſons Curſing or Swearing, forfeit for the firſt Oath or Curſe 2*s.* 6*d.* and for every Oath or Curſe after the firſt, 5*s.* See *Curſing*, &c. 1.

Perſons convict of Drunkenneſs, forfeit 5*s.* for every Offence. See *Ibid.* 2.

Magiſtrates and other Officers mentioned in the Act, being guilty themſelves, of Swearing or Drunkenneſs, or omitting to puniſh thoſe Offences in others, forfeit 10*s.* for each Offence. See *Ibid.* 5.

Perſons convict of Fornication, forfeit 600 lb Tobacco, or 30*s.* Currency; and for Adultery, forfeit 1200 lb Tobacco, or 3*l.* Currency. See *Fornication*, 1.

Sheriffs neglecting to read the Act of 1751, *ch.* 14, for the more effectual Puniſhment of Negroes, &c. on the 2d Day of each County Court, forfeit 5*l.* Current Money. See *Negroes*, 49.

7. FINES, Appropriated ½ to the County Charge, and ½ to the Informer.

Millers neglecting to keep the Bridges and Cauſeways over the Dam, &c. in good Repair, forfeit 20*l.* Currency. See *Water-Mills*, 5.

Houſe-keepers ſelling ſtrong Liquors on Sunday, or ſuffering Drunkenneſs, Gaming, &c. in their Houſes, forfeit 2000 lb Tobacco. See *Sabbath Breaking*, 2.

Maſters of Ships neglecting to bring in an authentic Teſtimonial of the Offences, &c. of Convicts by them imported, forfeit 5*l.* Currency for each Felon ſo by them imported; or neglecting to lodge ſuch Teſtimonial with the County Clerk, forfeit 5*l.* Currency for each Offence. See *Convicts*, 1, 2.

Perſons qualified to vote, and not attending at Elections, according to Notice, forfeit 100*l.* Tobacco. See *Delegates*, 5.

FINES.——Half to the County Charge, &c.

Perſons making, &c. Barrels for Pork, Beef, Pitch, &c. of leſs Size, &c. than required by this Act, forfeit 2*s.* 6*d.* per Barrel. Packing Beef or Pork in ſuch underſized Caſk, or packing in any Caſk leſs Beef or Pork than required by this Act, forfeit 10*s.* per Barrel. Bartering or offering to Sale, in any Manner, Pork or Beef unlawfully packed, forfeit 10*s.* per Barrel. Bartering, &c. any Tar, Turpentine, or Pitch, in Barrels made or fitted contrary to this Act, forfeit, for every Barrel of ſuch Pitch, 5*s.* and for every Barrel of Tar or Turpentine, 2*s.* 6*d.* Or importing for Sale, any Pork, Beef, Tar, Turpentine, or Pitch, in Barrels of leſs Size or Contents, &c. than required by this Act, are liable to the like reſpective Penalties. See *Gauge of Barrels*, 4—8, 10.

Perſons expoſing Flour or Bread to Sale in Caſk not having the true Tare marked on the Bilge, forfeit 5*s.* per Barrel. See *Ibid.* 9, 10.

Perſons altering any public Road, without Leave, &c. forfeit 500 lb Tobacco. Overſeers neglecting to clear Roads, forfeit 500 lb Tobacco. Labourers, not obeying the Overſeer, forfeit 100 lb Tobacco. Maſters, &c. not ſending all their Male Taxables, when warned, forfeit 100 lb Tobacco for each ſuch Taxable. County Clerks not iſſuing Warrants to Overſeers, and Sheriffs not delivering the ſame, forfeit each 1000 lb Tobacco. See *Highways*, 3—8.

Perſons not having, or renting Lands, and keeping any Breeding Mare in the Woods, forfeit 600 lb Tobacco. See *Horſes*, 7.

Selling undue Quantities of Liquors to *Indians*, Penalty 3000 lb Tobacco. See *Indians*, 2.

Spreading falſe Reports concerning *Indians*, Penalty 500 lb Tobacco. See *Ibid.* 3.

Miniſters omitting to read the Act to puniſh Blaſphemy, &c. forfeit 1000 lb Tobacco. See *Miniſters*, 8.

Perſons refuſing to aſſiſt the Conſtables in the Execution of the Act for preventing the tumultuous Meetings of Slaves, forfeit 100 lb Tobacco. See *Negroes*, 24.

Perſons encouraging Negroes to meet in Companies on their Plantations, &c. forfeit 1000 lb Tobacco. See *Ibid.* 29.

Owners, ſuffering their Slaves to keep Horſes, &c. or raiſe Cattle or Hogs as the proper Right of ſuch Slaves, forfeit 500 lb Tobacco, together with ſuch Horſes, &c. See *Ibid.* 30.

Sheriffs neglecting to read the Act for preventing the tumultuous Meetings of Slaves, &c. in every County Court, forfeit 500 lb Tobacco. See *Ibid.* 32.

Licenced Rangers, ranging in any Iſland or incloſed Grounds, without Leave of the Owner, forfeit 5000 lb Tobacco. See *Rangers*, 5.

Perſons ſelling by dry Meaſures, not tried, &c. at the Standard, forfeit 500 lb Tobacco. And Perſons receiving Tobacco by Steelyards, not tried, &c. within the Year, forfeit 1000 lb Tobacco. See *Standard*, 5, 6, 7.

Veſtrymen neglecting to appoint Inſpectors annually, forfeit 800 lb Tobacco each. See *Inſpectors*, 5.

Perſons elected and refuſing to ſerve as Inſpectors, neglecting to ſignify their Refuſal in Writing, and to deliver the ſame to the Sheriff, within Ten Days, forfeit 400 lb Tobacco. See *Ibid.* 7.

Perſons, ſo nominated, taking any Reward for refuſing to act, forfeit double the Value of ſuch Bribe. And the Perſon paying or offering ſuch Bribe, forfeits the ſame. See *Ibid.* 9.

Inſpectors, acting as ſuch, before giving Security and taking the Oaths, &c. forfeit 80,000 lb Tobacco. See *Ibid.* 12.

Inſpectors feigning Sickneſs, forfeit, for every Day's Abſence, 320 lb Tobacco. See *Ibid.* 17.

Inſpectors,

FINES.——One Half to the County Charge, &c.

Inſpectors, receiving any Gratuity for Inſpecting Tobacco, &c. other than allowed in this Act, forfeit 8000 lb Tobacco; and the Perſon offering the ſame, forfeits 1600 lb Tobacco. See *Ibid.* 34.

Inſpectors inſpecting any Tobacco brought to the Warehouſe, between the laſt of *July* and First *November* yearly, forfeit 160 lb Tobacco for every 100 lb Tobacco, ſo inſpected. See *Ibid.* 35.

Inſpectors, offering Tobacco in Lieu of any Tobacco which hath been refuſed, before View, &c. forfeit 1600 lb Tobacco. And the Perſon receiving the ſame, forfeits the like Penalty, per Hogſhead. See *Ibid.* 36.

New appointed Inſpectors, neglecting to make out Liſts of all Tobacco delivered to them in the Warehouſe by the old Inſpectors, &c. forfeit 8000 lb Tobacco. See *Ibid.* 44.

Inſpectors intermeddling in Elections, forfeit 8000 lb Tobacco. See *Ibid.* 46.

Inſpectors dealing in buying or ſelling Tobacco, procuring Conſignments, &c. forfeit 240 lb Tobacco for every 100 lb Tobacco ſo bought, &c. See *Ibid.*

Inſpectors giving out Notes for Tobacco, not actually received, &c. forfeit their Year's Salary: And giving Crop Notes, inſtead of Transfer, unleſs the Hogſhead be actually prized, forfeit 800 lb Tobacco for every ſuch Note. See *Ibid.* 23.

Perſons convicted of falſe Swearing concerning the Loſs of any Inſpector's Note, or producing a forged Certificate of ſuch Oath, forfeit 240 lb Tobacco for every 100 lb Tobacco therein contained. See *Inſpectors Notes*, 12.

Officers, and all their Under-Clerks and Deputies, refuſing or neglecting to take the Oath in this Section preſcribed, forfeit 5000 lb Tobacco. See *Fees*, 10.

Maſters of Ships, &c. cauſing any other than their own Mate or Boatſwain to ſwear, &c. forfeit 4800 lb Tobacco. See *Tobacco Inſpected*, 3.

Maſters, &c. ſuffering Tobacco, not inſpected, to be taken on board, forfeit 4800 lb Tobacco for every Hogſhead, Caſk, &c. and the Tobacco alſo to be forfeited. See *Ibid.* 4.

Perſons carrying Tobacco, for Hire, to or from Inſpecting Houſes, taking uninſpected Tobacco in Bulk on board their Sloops, Boats, &c. forfeit 240 lb Tobacco for every 100 lb of ſuch Tobacco; and the Tobacco alſo to be forfeited. See *Ibid.* 5.

If ſuch Skippers be Servants, and be again convicted, the Maſter ſhall pay the above Penalty, and alſo 60 lb Tobacco for every Day ſuch Servant ſhall be employed by him as Skipper. See *Ibid.*

Skippers ſhall not take Tobacco from any Inſpecting Houſe, before taking an Oath to be adminiſtered by the Inſpector; on Forfeiture of 3200 lb Tobacco, for every Hogſhead ſo taken on board. See *Ibid.* 9.

Commanders of Tobacco Ships removing Freight Tobacco from any Warehouſe, in any open Boat, &c. without ſufficient covering, for Security of the Tobacco, forfeit 1600 lb Tobacco for each Offence. See *Ibid.* 11.

Perſons running Tobacco (before Inſpection, and Entry with the proper Officer, and Permit obtained) into *Virginia*, *Pennſylvania*, &c. forfeit 800 lb Tobacco for every Hogſhead, and 160 lb Tobacco for every 100 lb Tobacco in Bulk, &c. See *Tobacco Run*, 6.

Perſons reſiſting Officers in Execution of Warrants under this Act, forfeit, *viz.* if a Commander or Owner of a Ship 8000 lb Tobacco; if a Skipper, Sailor, &c. 3200 lb Tobacco. See *Ibid.* 8.

Perſons Buying, Selling, Bartering, &c. any Traſhy Tobacco, forfeit 4 lb Tobacco for each Pound of Tobacco ſo bought, &c. But where ſuch Penalty ſhall ariſe by Proſecution on Indictment, and the Informer ſhall not, on Conviction, claim the Moiety in open Court, the whole ſhall go to the County Charge. See *Tobacco Traſhy*, 1.

Perſons having Traſhy Tobacco under Carriage, and refuſing on demand, to carry the ſame to the next Inſpecting Houſe, forfeit 400 lb Tobacco for every 100 lb of ſuch Tobacco. See *Ibid.* 4.

Proprietors of Warehouſes appointed by this Act, are obliged to Let the ſame to the Inſpectors, under Penalty of 32,000 lb Tobacco. See *Warehouſes*, 2.

Such Proprietors making private Uſe of ſuch Warehouſes, whilſt under Rent to the Public, forfeit 1000 lb Tobacco. See *Ibid.* 3.

Inſpectors neglecting yearly, after Concluſion of their Inſpections, to ſecure the Scales, Weights, &c. forfeit 800 lb Tobacco. See *Ibid.* 6.

Any Juſtice neglecting his Duty in making Contracts, or taking of Bonds relating to Warehouſes, forfeits 800 lb Tobacco. See *Ibid.* 8.

Every Juſtice in Court, refuſing (on Application of the Inſpectors) to do his Duty with Regard to Warehouſes, forfeits 800 lb Tobacco, to the Uſe of the Warehouſe. See *Ibid.* 10.

Any Warehouſe being burnt thro' Negligence of the Inſpectors, ſuch Inſpectors ſhall forfeit 16000 lb Tobacco. See *Ibid.* 13.

8. FINES, wholly appropriated to the Uſe of County Schools.

Perſons elected Viſitors, and refuſing to act, forfeit 500 lb Tobacco. See *Schools*, 32.

Practitioners of the Law, Miniſterial Officers and Others, miſbehaving, &c. in Court, may be puniſhed by Fine, not exceeding 4000 lb Tobacco in the Superior, nor 2000 lb Tobacco in the Inferior Courts. See *Magiſtrates*, 1.

Perſons inſulting ſingle Magiſtrates in the Execution of their Office, may, on Complaint to the Court, be puniſhed by Fine, not exceeding 1000 lb Tobacco. See *Ibid.* 2.

Miniſters, &c. joining in Marriage any Negro whatſoever, or Mulatto Slave, with any White Perſon, forfeit 5000 lb Tobacco. And any Free Negro or Mulatto intermarrying with any White Perſon, ſhall become a Slave for Life. And Muſattoes born of White Women, or White Perſons, for ſuch intermarriage, ſhall become Servants for Seven Years, to be diſpoſed of at the Diſcretion of the County Court. See *Marriage*, 12, 13.

9. FINES, appropriated the one Half to the County Schools, the other to the Informer.

Clerks, &c. refuſing to give full Copies, &c. of Coſts of Suit, forfeit 2000 lb Tobacco. See *Bills of Coſt*, 2.

Perſons cutting down or deſtroying any Boundary Tree, or preſuming to bound any Tree, or ſet up new Boundaries in lieu of decayed ones, without due Notice to all concerned, forfeit 5000 lb Tobacco. See *Boundaries of Land*, 1, 2.

Suitors convict of giving more than the legal Allowance to any Juror, ſhall in the Provincial Court, forfeit 6000 lb Tobacco, and in a County Court 2000 lb Tobacco, or under, at the Diſcretion of the Court. See *Jurors*, 9.

Perſons admitted to any Office or Place of Truſt, ſhall take the Oaths to the Government, on Penalty of loſs of Office, and alſo forfeit 250 *l.* Sterling. See *Proteſtant Intereſt*, 2.

Perſons ſetting up any Booth, or ſelling Liquors within one Mile of the yearly Meeting-Houſe in *Talbot* County, or within two Miles of the yearly Meeting-Houſe near *Weſt-River*, in *Anne-Arundel* County, during the Time of the Quakers Yearly Meetings, forfeit 10 *l.* See *Quakers*, 2.

County Clerks neglecting their due Attendance at the Court-Houſe, on Office Days, for the diſpatch of Buſineſs, forfeit 600 lb Tobacco for each Neglect. See *County Clerks*, 4.

Beef,

FINES,—Half to the Support of County Schools, &c.

Beef, Bacon, or Pork, ſhipped before Duty paid, &c. or not in Caſk, is forfeited, See *Beef*, &c. 3.

Maſters of Ships, &c. convict of taking the ſame on Board, forfeit 500lb Tobacco. See *Ibid.* 5.

Conſtables neglecting to purſue the Directions of the Acts relating to Taxables, forfeit 500lb Tobacco. See *Conſtables*, 7.

Perſons killing Deer within the Time prohibited by Law, forfeit 400lb Tobacco. See *Deer*, 1.

Perſons not making due Entry of Negroes by them Imported, forfeit 10*l.* Currency per Poll, for every Negro kept back or unaccounted for. See *Negroes*, 15.

Pitch, Tar, or Pork imported, being landed without Entry, &c. is forfeited, or the Value. See *Pitch*, &c. 2.

Perſons ſelling ſtrong Liquors within three Miles of the yearly Meetings of the Quakers, in *Talbot* and *Anne-Arundel* Counties, forfeit 5*l.* Currency. See *Quakers*, 7.

Perſons running Races within five Miles of the ſaid yearly Meetings, forfeit 5*l.* for every ſuch Race. See *Ibid.* 5.

Clerks, &c. removing Records or Papers, and keeping the ſame out of their Public Offices, between Eleven at Night and Six in the Morning, forfeit 10*l.* Currency for each Offence. See *Records*, 12.

Perſons Counterfeiting the Great Seal, &c. forfeit their Lands, Goods, &c. See *Seals*.

Perſons concealing Taxables, forfeit 500lb Tobacco for each Taxable ſo concealed. See *Taxables*, 3.

Sheriffs, refuſing to diſcount Notes drawn on them by public Creditors, &c. forfeit 2000lb Tobacco. See *Diſcount*, 2.

Sheriffs, neglecting to read the additional Supplementary Act to the Act, entitled, *An Act relating to Servants and Slaves*, on the Wedneſday of each reſpective County Court, forfeit 500lb Tobacco. See *Sheriffs*, 22.

10. FINES, appropriated the One Half to the County Schools, the other to the Party grieved.

On Diſcontinuance of Action, through Default of the Attorney, ſuch Attorney forfeits, in the Provincial Court, 5000lb Tobacco; and, in a County Court, 2000lb Tobacco. See *Continuance of Actions*, 2.

Harbourers of Servants or Slaves, forfeit 100lb Tobacco per Hour; and Free Negroes or Mulattoes harbouring any ſuch Servants, or Slaves, forfeit 1000lb Tobacco for each Offence. See *Harbourers of Servants and Slaves*, 1, 2, 5.

11. A FINE, appropriated the One Half to the Free-School at *Annapolis*, the other to the Informer.

Officers making out their Fees contrary to the Act of 1717, *ch.* 2, and inſiſting on levying the ſame, forfeit 500lb Tobacco. See *Officers Fees*, 4.

12. FINES, wholly appropriated to the Pariſh Uſe.

Church-wardens refuſing to ſerve, or take the Oaths, &c. forfeit 1000lb Tobacco. See *Veſtry*, 21.

Pariſh Regiſter, not giving Notice to new Veſtrymen, of their Elections, and Veſtry-men not attending according to ſuch Notice, or refuſing to ſerve, &c. forfeit 1000lb Tobacco. See *Ibid.* 8.

13. FINES, appropriated the One Half to the Pariſh Charge, the other to the Informer.

Perſons neglecting to give Notice of Births, Marriages, or Burials, to the Pariſh Regiſter, or the ſaid Regiſter neglecting or refuſing to make Entry thereof, forfeit 100lb Tobacco. See *Veſtry*, 14, 15.

Veſtry-men, abſenting from the Veſtry, &c. forfeit, not exceeding 100lb Tobacco, for each Offence. See *Ibid.* 18.

Veſtry-men, neglecting to ſet up Tables of Marriages, forfeit 200lb Tobacco each. See *Ibid.* 19.

Veſtry-men, neglecting to appoint Church-wardens annually, forfeit 200lb Tobacco each. See *Ibid.* 20.

14. A FINE, appropriated the One Half to the Orphan, the other to the Informer.

Guardians, neglecting to have a View and Eſtimation of Orphans Real Eſtates, &c. forfeit 5000lb Tobacco; and Magiſtrates, or others, refuſing or neglecting to act herein, forfeit 500lb Tobacco. See *Guardians*, 17.

15. FINES, appropriated wholly to the Uſe of the County Regiment, or Troop or Company.

Private Men, in the Militia, refuſing to accept, or give a Receipt, for Public Arms, forfeit 200lb Tobacco. See *Public Arms*, 6.

Troopers, refuſing or neglecting to appear at Muſters, forfeit 100lb Tobacco. See *Troopers*, 3. See alſo *Muſters*, 3, 5, 8, 9.

16. A FINE, appropriated the One Half to the Uſe of the County Regiment, the other to the Informer.

Perſons, knowingly ſelling or purchaſing Public Arms, forfeit 40*s.* each. See *Public Arms*, 10.

17. FINES, wholly given to the Informer.

Sheriffs, Inſpectors and Conſtables, neglecting to take the Oath preſcribed in this Section, forfeit 800lb Tobacco. See *Tobacco Run*, 7.

Perſons removing Traſhy Tobacco, which hath been ſtopped, &c. or reſcuing the ſame, forfeit 2400lb Tobacco for every Hogſhead or Parcel ſo removed or reſcued, to the Uſe of the Perſon making the Seizure. See *Tobacco Traſhy*, 6.

18. FINES, wholly given to the Party grieved.

Perſons convict of deſtroying Tobacco Plants belonging to others, forfeit 100*l.* Sterling. See *Tobacco Plants*.

Inſpectors forfeit 60lb Tobacco for every Neglect of Attendance. See *Inſpectors*, 13.

Officers, or their Clerks, &c. charging other or larger Fees than by this Law eſtabliſhed, &c. forfeit the Fees, and alſo 5000lb Tobacco. But, in caſe the Party grieved do not proſecute the Offender within Six Months, then any other Perſon may proſecute for the ſame. See *Fees*, 9.

Sheriff executing for Officers Fees, againſt a former Sheriff's Receipt, &c. forfeits treble the Sum executed. See *Sheriffs*, 24.

19. FINES, appropriated the One Half to the Informer, and the other to the Party grieved.

Perſons, keeping any other Man's Horſe an Hour, or riding or working the ſame, without Knowledge or Conſent of the Owner, forfeit 500lb Tobacco. See *Horſes*, 4.

Perſons, taking up Stray-Horſes, and acting contrary to this Act, forfeit 30*l.* Currency. See *Stray-Horſes*, 3.

20. FINES, appropriated the One Half to the Public Charge, the other to the Informer.

Concealing *Iriſh* Servants, being Papiſts, Penalty 5*l.* Sterling per Poll. See *Iriſh Servants*, 3.

Liquors landed, before Entry, &c. are forfeited, or their Value. See *Liquors Imported*, 2.

Perſons not making due Entry of Negroes by them imported, forfeit 5*l.* Sterling, per Poll, for every Negro kept back, or unaccounted for. See *Negroes*, 8, 9.

FISHING. See *Sabbath Breaking*, 1.

FLATS. See *Boats*.

FLAX. See *Hemp*.

FLOUR AND BREAD.

1. The Commiſſioners of *Charles-Town*, in *Cæcil* County, ſhall appoint a Viewer or Examiner of Flour, who ſhall take an Oath of Office *(for which ſee the Act)* and no Flour ſhall be ſhipped off from the ſaid Town, but what ſhall be carefully viewed and branded by him; for which Viewing and Branding he ſhall receive Three Pence Currency per Barrel. 1744, *ch.* 22, §. 9.

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FLOUR and BREAD.

2. No Flour ſhall be exported out of *North-Eaſt* River, but what ſhall be brought to the ſaid Town, and there Viewed and Branded by ſuch Officer, on Forfeiture thereof, or the Value: Half to the Informer, and Half to the Commiſſioners, for Maintainance of the Wharfs, *&c. Ibid.* §. 10.

3. Flour deemed unmerchantable by the Viewer, ſhall not be branded, but marked with the Broad-Arrow; and the Viewer ſhall have the ſame Fee as for Branding. But the Owner may apply to the Commiſſioners for a Review, in which Caſe any of the Commiſſioners ſhall, at the Charge of the Complainant, iſſue Summons to Two or more indifferent Perſons, to review the ſame. And if, in their Judgment, the ſame ſhall be Merchantable, the Officer ſhall raze out the Broad-Arrow, and Brand it, paying the Coſt. But if his Judgment be confirmed, the Owner ſhall, beſides Coſt, forfeit One Shilling Currency per Barrel, to be applied as aforeſaid. *Ibid.* §. 11.

4. Perſons exporting Flour from *North-Eaſt* River which hath been marked with the Broad-Arrow, or which hath not been viewed and branded as aforeſaid, forfeit 5*s.* Currency per Barrel; to be recovered and applied as above directed. *Ibid.* §. 12.

5. All Flour and Bread ſhipped off from *Charles-Town*, ſhall be Bought and Sold by the long Hundred; and the Store-keeper to be paid one Penny Currency per Barrel for Weighing and Invoice. *Ibid.* §. 13.

6. All Flour, Bread, and other Caſk of Country Produce, intended for Sale or Exportation, ſhall be truly Tared on the Bulge, on Penalty of 1*s.* Currency: And for every Caſk tared above 4 lb more than its juſt Weight, the Owner ſhall forfeit 5*s.* Currency. *Ibid.* §. 14.

See *Gauge of Barrels*, 9.

FLYING from JUSTICE. See *Arreſts*, 4.

FODDER-HOUSES. See *Negroes*, 38.

FOREIGN COINS. See *Coins*.

FOREIGN DEBTS.

1. The Exemplification of Debts of Record, under Seal of the Court wherein Recorded, ſhall be ſufficient Evidence to prove the ſame. 1729, *ch.* 20, §. 1.

2. All other Debts by Bonds, Bills, Accounts, *&c.* ſent in to be put in Suit againſt any Perſon reſiding in this Province, ſhall be proved by the Oaths of the Witneſſes, *&c.* before ſome Magiſtrate, in Preſence of a Notary Public, who ſhall atteſt the ſame: At which Time the Creditors ſhall alſo be preſent, and make Oath before ſuch Magiſtrate, in Preſence of the Notary, That the ſaid Debt, or any Part thereof (ſaving what the Creditor gives Credit for) is not ſatisfied, *&c.* which ſhall be ſent, together with the Proofs, under Hands and Seals of the Magiſtrate and Public Notary. Which, if the Creditor neglect or refuſe to perform, the Matter ſo certified by the Public Notary, ſhall not be received as Evidence. *Ibid.*

3. The Executor, *&c.* of any deceaſed Creditor, ſuing for any ſuch Debt, ſhall in like Manner make Oath *(for which ſee the Act)* which ſhall in like Manner, be certified by the Public Notary, and ſent into the Country, together with the Teſtimony of the Witneſſes, *&c.* otherwiſe ſhall not be received in Evidence. *Ibid.*

4. Attorneys employed in ſuch Suits, ſhall give Security, to pay the Defendant all Coſts and Charges of Suit, in Caſe the Plaintiff ſhall be caſt. *Ibid.* §. 2.

FORFEITURES. See *Fines*.

FORGERY. See *Inſpectors*, 49.

FORNICATION.

1. Every Perſon convicted of Fornication, in the Provincial or County Court, by Confeſſion or Verdict, ſhall be fined 30*s.* Current Money, or 600 lb Tobacco; and for Adultery 3*l.* Current Money, or 1200 lb Tobacco, to be applied towards defraying the County Charge. 1715, *ch.* 27, §. 2 and 3. *See below*, Art. 5.

FORNICATION.

2. Any Perſon entertaining or providing for any lewd Woman, or frequenting her Company, after Admonition of the Miniſter, Veſtry or Church-wardens of the Pariſh, ſhall be adjudged a Fornicator or Adulterer, as the Caſe ſhall be, and ſuffer the Penalties by this Act appointed. *Ibid.* §. 1.

3. The Miniſter, Veſtry and Church-wardens (where there is a Miniſter) or the Veſtry and Church-wardens (where there is no Miniſter) before any Admonition by them or any of them given, in purſuance of this Act, ſhall cauſe Notice to be given to any Perſons in their Pariſh by them ſuſpected of Incontinency, to appear before them at a Time and Place appointed. And on their Appearance ſhall acquaint them of ſuch Suſpicion, and hear what Excuſe they ſhall offer, *&c.* And if they do not appear according to ſuch Notice, or appearing, do not acquit themſelves, *&c.* then ſhall the Miniſter, *&c.* admoniſh them as aforeſaid: Which Admonition, with Proof of their Cohabitation or frequenting each other's Company, contrary to, and after Admonition, ſhall be Evidence in any Court to convict ſuch Perſons, and ſubject them to the Penalties aforeſaid. *Ibid.* §. 6.

4. Perſons not appearing according to ſuch Notice (on Affidavit of Notice given) ſhall be taken for a Proof of Incontinency, and ſhall be ſufficient Evidence in Court to convict them. 1749, *ch.* 12, §. 5.

5. Every Free Woman convict of Fornication, in any County Court, ſhall be fined 30*s.* Current Money. And in Caſe ſhe refuſe, *&c.* to diſcover (upon Oath) the Perſon with whom ſhe committed the ſame, ſhe ſhall be fined in a ſummary Way, the farther Sum of 30*s.* Current Money for ſuch Perſon, together with Charges of Proſecution. But if ſhe make ſuch Diſcovery, then ſhall the Court proceed againſt ſuch Perſon as in other Criminal Caſes; and if convicted, he ſhall be fined 30*s.* Currency, together with all Charges of Proſecution. And all ſuch Fines ſhall be applied towards defraying the County Charge. *Ibid.* §. 1 and 4.

6. In caſe of a Baſtard Child, if the Woman refuſe, *&c.* to diſcover as aforeſaid, ſhe ſhall, over and above the Fines aforeſaid, be adjudged to give good Security to keep the Child from becoming a Charge to the County; or, for want of ſuch Security, ſhall be committed. But, in caſe of ſuch Diſcovery, the Begetter ſhall give Security, and the Woman be diſcharged thereof. And ſuch Delinquents, being unable or unwilling to pay their Fines and Charges, ſhall give Security to his Lordſhip for Payment thereof, within Twelve Months, or ſtand committed. *Ibid.* §. 2, 3.

7. So much of the Act of 1715, *ch.* 27, as relates to Corporal Puniſhment for Fornication, is hereby repealed. *Ibid.* §. 6.

FORTY per POLL. See *Hemp and Flax*, 2. *Miniſters*, 1, 3, 5, 6, 7, 9. *Veſtry*, 28.

FOUR-FOLD. See *Thieving*, 2, 3, 4, 6. *Tobacco Inſpected*, 6.

FOWLING. See *Sabbath-Breaking*, 1.

FOXES. See *Red Foxes*.

FREEDOM. See *Servants*, 12. *Manumiſſion of Slaves*, per Tot.

FREEDOM DUES.

1. Every Man-Servant, at the Expiration of his Servitude, ſhall have One new Hat, a good Suit, *i. e.* Coat and Breeches of Kerſey, or Broad Cloath, One new Shirt, of white Linen, One new Pair of Shoes and Stockings, Two Hoes, One Ax, One Gun, of Twenty Shillings Price, to be delivered in Preſence of a Magiſtrate, on Penalty of 500 lb Tobacco on the Maſter or Miſtreſs omitting ſo to do; and the like Penalty on the ſaid Freeman ſelling or diſpoſing of his Gun within Twelve Months: One Half to the King, the other to the Informer. 1715, *ch.* 44, §. 9.

2. All Women-Servants, at the Expiration of their Servitude, ſhall have a Waiſtcoat and Petticoat of new Half-thick or Penniſtone, a new White Linen Shift,

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FREEDOM DUES.

Shift, Shoes and Stockings, a blue Apron, Two white Linen Caps, and Three Barrels of *Indian Corn*. *Ibid.*

FREE MULATTOES. See *Harbourers of Servants*, 5. *Negroes*, 33.

FREE NEGROES. See *Negroes*, 3, 4, 6, 18, 19, 33.

FREE SCHOOLS. See *Schools*.

FREIGHT OF TOBACCO.

1. Masters of Ships, before they take in any Tobacco on Freight, shall publish, under their Hands, by a Note fixed on the County Court-House Door, at what Rate they will receive Tobacco upon Freight per Ton; which Note shall be recorded by the County Clerk. 1704, *ch.* 62, §. 1.

2. Merchants or others, shipping any Tobacco on Freight, before such Note set up, shall forfeit all such Tobacco, or the Value in Money. One Half to the Support of Government, the other to the Informer. *Ibid.* §. 2.

3. Masters of Ships taking Tobacco on board, before such Publication, shall forfeit 20*s.* per Hogshead, to the Uses aforesaid. *Ibid.* §. 3.

4. Certificate of such Publication, and Rate of Freight, under Hand of the County Clerk, shall be sent with Craft fetching Tobacco from another County, on Penalty of 40*s.* Sterling, to the Uses aforesaid. *Ibid.* §. 4.

5. Collectors and Naval Officers shall procure (at the County Charge) and affix Copies of this Act in their Offices, on Forfeiture of 40*s.* Sterling, to the Uses aforesaid. *Ibid.* §. 5.

FURS AND SKINS.

The Duty laid on them by the Act of 1704, *ch.* 27, is taken off by 1723, *ch.* 11, §. 1.

G.

GAMING. See *Sabbath Breaking*, 1, 2.

GARNISHEE. See *Attachment*, 3, 4, 5, 8.

GAUGE, &c. OF BARRELS.

1. Every Barrel, wherein Pork, Beef, Pitch, Tar or Turpentine shall be packed or filled, either for Exportation out of, or Sale within this Province, shall contain at least 31½ Gallons Wine Measure. 1745, *ch.* 15, §. 2.

2. The Contents of every Pork or Beef Barrel, at Exportation or Sale, shall be at least 220*lb* of good nett Pork or Beef, well salted and preserved. *Ibid.*

3. Every Tar or Turpentine Barrel shall be filled with good, clean, merchantable Tar or Turpentine; and every Pitch-Barrel, with good true-made merchantable Pitch. *Ibid.*

4. Persons knowingly making or setting up, or causing to be made, &c. any Barrels for Pork, Beef, &c. of less Size, Gauge, &c. than is directed by this Act, shall forfeit 2*s.* 6*d.* Current Money, for every such Barrel. *Ibid.* §. 3.

5. Persons packing Pork or Beef for Sale, in Barrels made and set up contrary to this Act, or packing in any Barrels less Pork or Beef than this Act requires, as the nett Contents of a Barrel of Beef or Pork, shall forfeit 10*s.* Currency for every such Barrel. *Ibid.* §. 4.

6. Persons bartering, selling, or offering to Sale, in any Manner, Pork or Beef in Barrels made contrary to this Act in Size, Gauge, &c. or any Barrels of Pork or Beef of less nett Contents than this Act directs; shall forfeit 10*s.* Currency per Barrel. *Ibid.* §. 5.

7. Persons bartering, selling, or offering to Sale, any Tar, Turpentine or Pitch, in Barrels made contrary in Size, &c. to this Act, or any Barrels of Pitch, filled with other than good true-made merchantable Pitch, or any Barrels of Tar or Turpentine, filled with other than good merchantable Tar or Turpentine, shall forfeit for every such Barrel of Pitch, 5*s.* Currency, and for every such Barrel of Tar or Turpentine, 2*s.* 6*d.* Currency. *Ibid.* §. 6.

8. Persons importing by Land or Water, any Pork, Beef, Tar, Turpentine or Pitch, in Barrels of less Gauge, &c. or any Barrels of Pork or Beef of less nett Contents than directed by this Act, or any Barrels filled with other than good, merchantable, &c. Tar, Turpentine or Pitch, and sell, or offer the same to Sale, &c. within this Province, shall be liable to the respective Penalties in this Act mentioned, for every such Barrel so bartered away, sold, &c. contrary to this Act. *Ibid.* §. 7.

9. Persons exposing Flour or Bread to Sale, in Barrels or Casks, without the true Tare of such Barrels or Casks, marked with Marking-Irons in plain Figures upon the Bilge, shall, for every such Barrel or Cask so exposed to Sale, forfeit 5*s.* Currency. *Ibid.* §. 8.

10. All Penalties and Forfeitures, in this Act mentioned, may be recovered, with Costs, in any County Court, in the Name of his Lordship and the Informer, or before a single Magistrate, as the Case may require. One Half to the County Charge, the other Half to the Informer, &c. *Ibid.* §. 10.

11. Actions on Breaches of this Act shall be brought within 15 Days after the Offence committed or discovered. But no Person bartering or selling such Barrels of Pork, Beef, Pitch, &c. contrary to this Act, shall be subject to any the Forfeitures before-mentioned, after the same is received out of his Possession by the Buyer, and unless such Information be made to some Magistrate within 10 Days after the Offence committed. *Ibid.* §. 9 and 11.

See *Flour*, &c.

GENERAL ASSEMBLY. See *Assembly*.

GENERAL ISSUE. See *Cursing*, &c. 8. *Horses*, 6. *Negroes*, 44. *Runaways*, 10. *Tobacco Debts*, 3. *Tobacco Run*, 5, 8. *Tobacco Trashy*, 7.

GIFT of Goods and Chattels. See *Secret Sales*, 1, 2.

GIFT of Negroes. See *Negroes*, 50.

GLEBES. See *Church Lands*, per Tot. *Vestry*, 28.

GOLD AND SILVER.

1. For the Encouragement of Persons bringing Gold and Silver into this Province: All Persons liable to the Payment of any Duties, either of Import or Export whatsoever, by the Laws of this Province (the Duties payable to the Lord Proprietor, or the Governor, or appropriated to the College of *Virginia*, excepted) who shall discharge the same in Silver or Gold Currency, at the Rates mentioned in the Act of 1708, *ch.* 4, with the Difference of 133*l.* 6*s.* 8*d.* Currency, for every 100*l.* Sterling, shall be allowed 15 per Cent out of the said Duties. 1729, *ch.* 15, §. 1.

2. Every Person claiming the Deduction of 15 per Cent, shall take an Oath *(for which see the Act)* before the Officer appointed to receive the Duties. And the Officers allowing the same, before they pass their Accounts, shall likewise make Oath before One Provincial, or Two County Justices, that the Sums for which they crave the Allowance of 15 per Cent in their Accounts, were *bonâ fide* paid to them; and that the said Persons took the Oath before directed, &c. on Certificate whereof by such Magistrates, the Treasurer shall allow the said Deduction in their Accounts. *Ibid.* §. 2 and 3.

For the Rates above mentioned. See *Coins*, 2.

For the Rates at which certain Gold and Silver Coins shall pass instead of Tobacco, in Payment of Public Dues, Fees, &c. See *Levies*, 17, 20—28. *Printer to the Province*, 3.

GOOD BEHAVIOUR. See *Cursing*, &c. 6. *Harbourers of Servants and Slaves*, 3.

GOODS. See *Uncertain Goods*.

GOVERNOR.

1. Masters of all Ships or Vessels whatsoever, coming into this Province (except such as are built in, and belonging

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belonging to the People of this Province) ſhall pay to the Naval Officer, at the Time of Entering, or give Security for the Payment of Three Pence per Ton of the Burthen of ſuch Ships or Veſſels, to the Governor for the Time being. 1704, *ch.* 78.

2. In Caſe of the Death or Abſence of the Governor, the firſt Perſon named in his Lordſhip's Commiſſion to be of the Council, then living and reſiding in the Province (and in Caſe of his Death or Abſence, the next Perſon likewiſe named, *&c.* ſucceſſively) ſhall immediately take upon him the Adminiſtration; and with Advice and Conſent of the Council, execute all the Powers, *&c.* of Government, until the Return of ſuch abſent Governor, or 'til his Lordſhip's Pleaſure be farther known. 1716, *ch.* 21.

3. The Commiſſion, Power or Authority of the Governor, for the Time being, ſhall not be diſſolved by the Death of the Lord Proprietary; but ſuch Lieutenant-Governor ſhall continue and act as ſuch, until he be lawfully removed, diſcharged, or his Commiſſion ſuperſeded or determined by the next Succeſſor. 1751, *ch.* 27, §. 7.

For other Matters, ſee *Gold and Silver*, 1. *Independent Companies*, 2. *Inſpectors*, 3, 6, 7, 10, 11. *Iron Works*, 2. *Letters Public*, 3. *Militia*, 1, 7. *Miniſters*, 1. *Muſters*, 9. *Naval Officers*, 3. *Parochial Libraries*, 6. *Paſſes*, 1, 3. *Preſs-Maſters*, 5, 7. *Public Arms*, per Tot. *Rangers* 1, 4. *Troopers*, 1.

GOVERNOR AND COUNCIL. See *Amerciaments*, 2, 3. *Appeals*, 3, 7—9, 13. *Attorneys*, 3. *Highways*, 3. *Indians*, 5. *Levies*, 2. *Militia*, 7. *Muſters*, 8. *Parochial Libraries*, 1, 2, 6. *Proceſs Criminal*, 1, 2. *Small Provincial Charges*, per Tot. *Veſtry*, 24, 29.

GRAND-JURY. See *Adminiſtrators*, 21. *Jurors*, 5, 6. *Juſtices of Aſſize*, 1. *Manumiſſion of Slaves*, 3, 5. *Proceſs Criminal*, 1, 2. *Rangers*, 3.

GREAT MAN. See *Indians*, 10, 11.

GREAT SEAL. See *Seals*.

GUARDIANS.

1. Orphans entitled to any Part of an Inteſtate's Eſtate (after Diſtribution made, and Balance returned by the Commiſſary to the County Court, *(but ſee below*, Art. 5,) ſhall be called into Court, then and there to chuſe their Guardians, into whoſe Hands their Eſtates ſhall be committed. 1715, *ch.* 39, §. 7.

2. The Guardians ſo choſen ſhall, upon their Acceptance of the Guardianſhip, be obliged by the County Court, to give Bond with Two ſufficient Sureties, in the Name of the Orphans, for ſecuring and delivering the Eſtates to the ſaid Orphans, their Executors or Adminiſtrators, when thereunto lawfully called, according to the Directions of the Act (of 1715, *ch.* 39,) for the better Adminiſtration of Juſtice in Teſtamentary Affairs, *&c.* 1752, *ch.* 3, §. 2.

3. On ſuch Security given, the Court ſhall make an Order for delivering ſuch Orphan's Eſtate into the Hands of ſuch Guardian: And no Executor, Adminiſtrator, or former Guardian, ſhall pay ſuch Orphan's Eſtate into the Hands of the Guardian ſo choſen, 'til he hath entered into ſuch Bond, and ſhall have delivered unto ſuch Executor, *&c.* a Copy of ſuch Order, ſigned by the Clerk of the Court. *Ibid.* §. 3.

4. If ſuch Orphans be not at Age to chuſe Guardians, then ſhall the County Court appoint fit Perſons to whom ſuch Orphans and their Eſtates ſhall be committed, taking Bond with Two ſufficient Sureties, for ſecuring and delivering the ſame to the Orphans or their Guardians (when thereunto lawfully called) according to the Directions of this Act. 1715, *ch.* 39, §. 7.

5. To prevent the Waſte which may be committed by Executors, Adminiſtrators or Others, intermarrying with Widows, and obtaining Poſſeſſion of the Real Eſtates of Orphans, before any Balance be tranſmitted from the Commiſſary's Office *(ſee above*, Art. 1,) in which Caſe no Guardian can be appointed by the County Court under any Law of this Province: The County Court, on Application, ſhall permit ſuch Orphans, if above 14 Years of Age, to chuſe Guardians, and if under 14, ſhall appoint Guardians, in the ſame Manner as if the Balances had been tranſmitted. And ſuch Guardians ſhall have the ſame Powers, and be ſubject to the ſame Regulations as other Guardians, by the Laws of this Province; and as ſoon as the Balance is tranſmitted, ſhall receive the ſame as if then choſen or appointed. 1763, *ch.* 24.

6. Orphans ſhall not be charged by Guardians for Diet, Cloaths, Phyſic, or Education; but ſupported by the Intereſt of their Eſtate, or Increaſe of their Stock. 1715, *ch.* 39, §. 9.

7. All Cattle, Horſes and Sheep, ſhall be returned by Guardians or Truſtees, to the Orphans in Kind; and as near as can be, of the like Value. *Ibid.* §. 11.

8. All Money, Plate, Rings and Jewels, ſhall be preſerved, and not uſed by the Guardians, *&c.* and delivered to the Orphans at Age. *Ibid.* §. 12.

9. All Houſhold-ſtuff and Lumber ſhall be appraiſed in Money, and the Value paid to the Orphans, either in Money as appraiſed, or in Tobacco at the then Current Price; which Price, in Caſe of Diſpute, ſhall be determined by the County Court. *Ibid.*

10. All Slaves ſhall be appraiſed to the Guardians or Truſtees, and employed by them to their own Benefit: And the like Number of Slaves, of like Ability of Body, ſhall be returned to the Orphans, when at full Age. *Ibid.* §. 16.

11. If any of the Slaves be aged, or impotent, *&c.* ſo that the Increaſe will not make good the original Stock, as to Number and Ability, they ſhall again be appraiſed by the County Court, and the Guardian pay ſo much to the Orphan as the Slaves ſhall be adjudged worſe than when firſt appraiſed. *Ibid.*

12. If no Guardian will accept of the Slaves on theſe Terms, then the County Court may put the ſaid Slaves out, upon other Terms, to any other Perſon, ſo as the Slaves and their Increaſe may be beſt preſerved to the Orphan. *Ibid.*

13. All Servants, for Years, ſhall be returned to the Orphans in Kind; *viz.* the like for Number, Age, Sex, Time of Servitude, and Ability of Body, as near as may be eſtimated. *Ibid.* §. 17.

14. Debts, returned *deſperate* in the Inventory, ſhall be tranſmitted by the Commiſſary-General to the County Court; who ſhall enquire into the ſame, and commit the Balance, together with the ſaid *deſperate* Debts, to the Care of the Guardian; whom they ſhall call upon yearly to account for the ſame. And the Guardian, failing to give in ſuch annual Account, or neglecting by Fraud or Covin to recover, ſhall ſtand accountable for all ſuch Debts by him received and not accounted for, or neglected to be recovered. *Ibid.* §. 19.

15. The County Courts, as often as they ſhall find it neceſſary, may require new, or better Security, from the Guardian or Truſtee for any Orphan's Eſtate. And, in caſe of Refuſal, ſhall immediately remove ſuch Orphan's Perſon and Eſtate into other Hands. And, in caſe ſuch Guardian ſhall refuſe to obey their Order of Removal, may iſſue Attachment, *&c.* againſt ſuch Guardian, *&c.* to anſwer the Contempt, and commit him to Priſon till ſuch Order be complied with. 1729, *ch.* 24, §. 6. See alſo 1715, *ch.* 39, §. 20.

16. Guardians, to whom Real Eſtates of Orphans are committed (otherways than by Will) ſhall, within One Month after accepting the Guardianſhip, with One Commiſſioner of the County, and Two ſkilful indifferent Perſons, (to be nominated by ſuch Magiſtrate) enter and view the Lands, Houſes, Orchards, Fences, *&c.* and ſhall eſtimate the annual Value of the Lands, *&c.* upon Oath, *&c.* And their Valuation and Report (certified under their Hands and Seals, and atteſted by the Magiſtrate) ſhall be returned to, and record-

ed in the County Court: Which Record ſhall be ſufficient Evidence for the Orphans to recover double Damages in an Action of Waſte, brought by them when at Age, for any Waſte, Sale, &c. committed in the Premiſes, other than what the ſaid Perſons have certified and thought neceſſary. 1715, *ch.* 39, §. 30.

17. Guardians neglecting to perform what is hereby required, within the Time limited, ſhall forfeit 5000 lb Tobacco: And any Magiſtrate or other Perſon of the County, refuſing or neglecting to act herein, when thereunto demanded, ſhall forfeit 500 lb Tobacco. One Half to the Uſe of the Orphan concerned, and the other Half to the Informer. *Ibid.* §. 31.

18. The Quit-Rents ſhall be conſidered and allowed in the Valuation aforeſaid, and ſhall be paid by the Guardian, on Penalty of forfeiting to the Orphan, when at Age, fourfold the Value of the Arrears of Quit-Rent, neglected to be paid by him. *Ibid.* §. 32.

19. Guardians ought to render Account to their Wards, of the Surplus of the Profits of their Real Eſtates, beyond the neceſſary Expence of their Maintainance and Education, and to ſecure the ſame, as other Parts of Orphans Eſtates are to be ſecured by this Act. 1729, *ch.* 24, §. 8.

20. The County Courts, on Preſentment of the Orphan Jury, (ſee *Orphans*, 14,) or other Information of Sale, Waſte, &c. committed by any Guardian on any Orphan's Eſtate, are impowered to call ſuch Guardian before them, &c. and if the Guardian, on Proof of the Waſte, refuſe to give Security for making Satisfaction to the Orphan when at Age, another Guardian may be choſen by the Ward if at Age to chuſe, or if otherwiſe may be appointed by the Court, who ſhall bring his Action of Waſte, in the Name of the Orphan, againſt the former Guardian. 1715, *ch.* 39, §. 33. *But ſee the following Article.*

21. As often as the County Court ſhall be informed, by the Grand Jury, or otherwiſe, of Waſte done by any Guardian on an Orphan's Eſtate, they ſhall iſſue their Warrant for bringing ſuch Guardian before them: And if ſuch Information ſhall appear to be true, ſhall order the Sheriff to ſummon a Jury upon the Place, who ſhall enquire, upon Oath, into the Damage. And the Court ſhall oblige the Guardian to give Security, for double the Damages aſſeſſed by the Jury; or commit the Guardian 'til he comply with their Order therein. 1729, *ch.* 24, §. 9.

22. No Perſon, not being Guardian, or not having Licence from a Guardian, ſhall enter into, or occupy any Lands belonging to an Orphan (without Application to, and Leave from the County Court, for ſuch Rents as they ſhall think reaſonable to be paid to the Orphan;) on Penalty of Treſpaſs, and paying treble Damages and full Coſts to ſuch Orphan: Recoverable by the Guardian during Minority, or the Orphan when at Age. *Ibid.* §. 7.

23. The County Courts, as often as they ſhall find it neceſſary, may oblige ſuch Guardians as are choſen by Orphans, to give new and better Security. And upon their Refuſal to do the ſame, may proceed according to the Directions of the Act of 1729, *ch.* 24, §. 6. (*See above*, Art. 15.) 1752, *ch.* 3, §. 4.

24. Guardians and Truſtees Bonds ſhall be recorded in the County Court. 1715, *ch.* 39, §. 22.

25. Any Ward or Orphan, on attaining to full Age, may enter into all Lands, Tenements, &c. which the Guardian came to Poſſeſſion or received the Rents, &c. of, under the Right or Title, or by Occaſion of the Guardianſhip of ſuch Orphan. And in Caſe the Guardian refuſe, on Demand, to yield up quiet Poſſeſſion, the Ward ſhall have Action and recover Poſſeſſion, with treble Damages and full Coſts. 1758, *ch.* 4, §. 2.

26. No Guardian, or his Heirs, Aſſigns, &c. ſhall at any Time recover Lands, Tenements, &c. from his Ward, or the Heirs or Aſſigns of ſuch Ward, upon any Right which ſhall firſt wholly accrue by Purchaſe by to or in Truſt, or for the Uſe of ſuch Guardian, from any other Perſon than the ſaid Ward, or ſome Perſon claiming under ſuch Ward, at any Time after Poſſeſſion obtained by ſuch Guardian, or his Perception of the Rents, &c. in Manner aforeſaid. And if it appear, on Suit brought againſt ſuch Ward, &c. for Recovery of Poſſeſſion or Damages, that the Plaintiff ſhall found his Action upon any Right accruing to ſuch Guardian, by Purchaſe (except as before excepted) ſubſequent to the ſaid Guardian's obtaining Poſſeſſion, or Perception of the Rents, &c. of ſuch Lands, &c. in Manner aforeſaid, ſuch Plaintiff ſhall be Nonſuit. *Ibid.* §. 3.

27. In what Caſe the Sureties to Bonds of Guardians ſhall obtain Counter-Security, or a Delivery of the Effects, &c. See *Adminiſtrators*, 23—26.

GUNS.

1. A Gun to be delivered to every Man-Servant at the Expiration of his Servitude. See *Freedom Dues*, 1.

2. For the Puniſhment of Negroes carrying Guns. See *Negroes*, 7.

3. No Perſon to hunt with Guns, &c. within any Incloſure, without Leave, &c. See *Incloſures*, 1.

4. Perſons convicted of Thieving, Hog-ſtealing, &c. not to carry a Gun on any ſeated Plantation, without Leave, &c. See *Hog Stealing*, 3.

5. Guns may not be bought of *Indians* for Liquor. See *Indians*, 4.

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HARBOURERS of Perſons employed in Iron-Works. See *Iron-Works*, 8.

HARBOURERS of Sailors. See *Sailors*.

HARBOURERS of SERVANTS and SLAVES.

1. Perſons wittingly or willingly entertaining any Servants or Slaves, unlawfully abſenting themſelves from their Maſters, &c. or permitting them to be about their Houſes or Plantations, for One Hour, or longer, ſhall forfeit 100 lb Tobacco for each Hour ſuch Servant or Slave ſhall be ſo entertained or permitted to be about their Houſes or Plantations; to be recovered in a ſummary Way before a ſingle Magiſtrate, if the Penalty do not exceed 600 lb Tobacco; but, if above 600 lb Tobacco, to be recovered in the County Court. 1748, *ch.* 19, §. 2.

2. One Half of the above Penalty to be applied to the Uſe of the County School, the other Half to the Party grieved, if ſuch Party proſecute within Three Months; otherwiſe to the Perſon informing or ſuing for the ſame, provided ſuch Suit be commenced within Twelve Months after the Offence committed. *Ibid.*

3. Offenders, unable to pay or give Security for the Penalty, may be puniſhed by Whipping, not exceeding 39 Stripes; and ſhall give Security for good Behaviour for Six Months. *Ibid.* §. 3.

4. Servants or Slaves harbouring or entertaining other Servants or Slaves (unlawfully abſent) for one Hour or more, are puniſhable, on Complaint to any ſingle Magiſtrate, by whipping, not exceeding Thirty-nine Stripes. *Ibid.* §. 4.

5. Free Negroes or Mulattoes harbouring or entertaining any ſuch Servant or Slave, ſhall forfeit for every Offence 1000 lb Tobacco, to be recovered in the County Court; one Half to the Uſe of the Free Schools, the other Half to the Party grieved; and if they cannot pay the Penalty, the Juſtices before whom the Matter is tried, may order Satisfaction by Servitude or otherwiſe. 1715, *ch.* 44, §. 4.

HARBOURS.

1. No Ballaſt to be taken, unladen, or caſt out of any Ship or Veſſel, but in the Day Time between the Riſing and Setting of the Sun, within the following Limits; nor unladen out of any Ship, &c. in *Cheſa-*

peak Bay, above *Cedar* Point, or in any River, Creek or Harbour within this Province, and caſt into the Bay above *Cedar* Point, or into any River, Creek or Harbour below High-Water Mark, on Forfeiture of 50*l.* Currency by the Maſter or other Perſon having Charge of ſuch Ship, *&c.* One Half to the Support of Government, the other Half to the Perſon ſuing for the ſame in any Court of Record. 1735, *ch.* 16, §. 2.

2. No Perſon to build any Wear or Hedge croſs any River, Creek or Branch, below any public Landing Place, ſo as to prejudice the Channel, or obſtruct the Paſſage of Boats, under Penalty of 10*l.* Currency, to be recovered in the County Court, by Action of Debt, *&c. Ibid.* §. 3.

See *Naval Officers*, 7.

HEIR AT LAW;

——Shall have an equal Share with the other Children in the Diſtribution of an Inteſtate's Eſtate, notwithſtanding any Lands he may have, by Deſcent or otherwiſe, from the Inteſtate. 1715, *ch.* 39, §. 5.

HEMP AND FLAX.

1. Hemp of the Growth of this Province (being Water-rotted, bright, clean and merchantable) is made a Staple of this Province at 6*d.* per Pound, and Flax at 9*d.* per Pound; and a Tender thereof at thoſe Rates, in any Port or Town within this Province (or at the Creditor's own Dwelling-Houſe, or the Dwelling-Houſe of his Receiver, in caſe ſuch Creditor do not reſide in the ſame County with the Debtor) for one fourth Part of any Debt, ſhall be good in Law for all Debts due in Money or Tobacco, rating the Tobacco at 1*d.* per Pound. 1706, *ch.* 11, §. 2; and 1724, *ch.* 22, §. 2.

2. The Public and County Dues, and 40 per Poll to the Clergy, are excepted out of the above recited Acts. 1724, *ch.* 22, §. 3.

3. Any Creditor refuſing ſuch Tender, and afterwards ſuing the Debtor, ſhall be Non-ſuit and pay Coſts to the Defendant. 1706, *ch.* 11, §. 3.

HIDES.

1. Any Skins or Hides of Neat Cattle, tanned or untanned, or any old Iron, attempted to be tranſported out of this Province, by Land or Water, may be ſeized by any Officer of the Cuſtoms. 1712, *ch.* 23, §. 1.

2. Any Maſter, Merchant, Owner of a Veſſel, or other Perſon, convict of ſhipping ſuch Hides or Iron, or tranſporting any by Land out of the Province, ſhall forfeit the ſame, and 50*l.* Currency; one Half to the Support of Government, the other Half to the Informer. *Ibid.*

HIGHWAYS.

1. All Public Main Roads ſhall be well grubbed, fit for travelling, Twenty Feet wide; and good ſubſtantial Bridges made over all Heads of Rivers, Creeks, Branches and Swamps, where Need ſhall require, at the Diſcretion of the County Courts. 1704, *ch.* 21, §. 2.

2. The County Courts ſhall aſcertain in their Records, once every Year, what are the Public Roads of their reſpective Counties, and appoint Overſeers of the ſame. *Ibid.* §. 3.

3. No Perſon ſhall alter any ſuch Public Road, without Leave of the Governor and Council, or of the Juſtices of the County Courts, on Penalty of 500lb Tobacco. *Ibid.*

4. Any Overſeer ſo appointed, neglecting to clear the Roads as aforeſaid, ſhall be fined 500lb Tobacco in Caſk. *Ibid.* §. 4.

5. Every Labourer refuſing to obey the Overſeer, ſhall be fined 100lb Tobacco. *Ibid.*

6. Every Maſter of Servants, refuſing (on Summons) to ſend all his Taxable Male-Servants to the Overſeer,

ſhall be fined, for every Servant warned, and not ſent, 100lb Tobacco. *Ibid.*

7. The Clerk of the County ſhall iſſue out Warrants to the Overſeers appointed, on Penalty of 1000lb Tobacco; and the Sheriff ſhall deliver the ſame to the ſeveral Overſeers, *ex Officio*, on Penalty of 1000lb Tobacco in Caſk. *Ibid.*

8. One Half of all the above Fines to be diſpoſed of towards defraying the County Charge, and the other Half to the Informer; to be recovered in any Court of Record *(but ſee the following Article)* by Bill, Plaint, *&c. Ibid.*

9. Except Fines on Perſons for not appearing, or on Owners of Servants for not ſending their Servants on the Highways, when duly warned; which ſhall not be proſecuted in any County Court, but before a ſingle County Magiſtrate, who, on Complaint, is impowered to iſſue his Warrant to the Conſtable, to bring ſuch Perſons or Owners of Servants before him, and ſummon Witneſſes, and fully to hear and determine all ſuch Caſes; and as he ſhall ſee juſt Cauſe, either to acquit ſuch Perſons, or fine them according to the Directions of the above Act, to the Uſes therein mentioned. And every Magiſtrate awarding ſuch Fines, ſhall keep a fair Account thereof, and return a true Liſt thereof yearly to the County Court, at the Time of laying the County Levies; of which Account the County Clerk ſhall give a fair Copy to the Sheriff, in Order to collect the ſame: And, on Refuſal of Payment, the Sheriff to levy the ſame by Way of Execution, in the ſame Manner as the Public and County Levies, and return an Account thereof to the County Court, to be applied as aforeſaid. 1723, *ch.* 17.

10. All Roads leading to Ferries, County Court-Houſes, or Churches, or leading thro' any County to *Annapolis*, ſhall be marked on both Sides of the Road, as directed by the Act of 1704, *ch.* 21, §. 5. Which Rules and Methods the ſeveral County Courts ſhall give in Charge, from Time to Time, to the Overſeers by them appointed; who ſhall ſtrictly perform the ſame, under the Penalty aforeſaid *(viz.* 500lb Tobacco, *ſee* Art. 4.) And where Roads lead thro' ſeated Plantations, or old Fields, the Overſeers ſhall ſet up Poſts, ſo many as may be perceived from one to another, which Poſts ſhall be marked and notched as in this Act directed: And the Poſts of all Gates, thro' which any Public Roads lead, ſhall be marked as aforeſaid, under the Penalty aforeſaid. 1704, *ch.* 21, §. 5 and 6.

11. The Overſeers ſhall fall all dead Trees, where Limbs hang over the Road, to prevent Damage happening to Travellers by their falling. *Ibid.* §. 6.

12. Overſeers are impowered, as often as Need ſhall require, for repairing and making of Bridges over Heads of Rivers, Creeks, *&c.* or other low and miry Places, to cut down any Trees on the adjacent Land, and to apply the ſame to the making and neceſſary repairing of ſuch Bridges. 1724, *ch.* 14, §. 2.

13. But no Trees fit for Clap-board or Cooper's Timber ſhall be cut down, nor any Trees for building or repairing of any Bridges maintained at the Public or County Charge. *Ibid.* §. 3.

14. No White Man or Slave, employed about any Iron-Work (unleſs he be alſo employed in making Tobacco) ſhall be obliged to clear, or aſſiſt in clearing any Highways or Roads, or in building any Bridges. 1732, *ch.* 17, §. 2 and 3. The Explanatory Act of 1736, *ch.* 17, reſtrains this Exemption to ſuch as are conſtantly employed in carrying on Iron-Works. And by the Act of 1750, *ch.* 14, Owners, *&c.* of Iron-Works are obliged to ſend One out of every Ten labouring Perſons employed in ſuch Works, to aſſiſt upon the Highways, *&c.* ſubject to the Penalties in the Act of 1704, *ch.* 21, to be recovered and applied according to the Act of 1723, *ch.* 17. *See* Art. 9.

15. Owners of Mills, *&c.* erected upon Branches where the High-Road croſſes, either at, or below, or above

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HIGHWAYS.

above ſuch Mill, are not obliged to ſend their Taxables to work on ſuch Road, except on the Dams, Cauſeways or Bridges, which they are obliged to make and maintain by the Acts of 1753, *ch.* 16; and 1756, *ch.* 12. See *Water-Mills*, 6, 7.

HIRING. See *Houſe Breaking*, 3.

HOGSHEADS. See *Inſpectors*, 29.

HOG STEALING.

1. Perſons killing any unmark'd Swine, above Three Months old, (not being upon their own Lands, or in Company with their own Stock) ſhall be adjudged Hog-Stealers, and ſuffer ſuch Corporal Pains as in the Caſe of Thieving and Stealing. 1715, *ch.* 26, §. 4. See *Thieving and Stealing*, 2.

2. Perſons concealing or diſfiguring the Marks of Swine ſo killed, by cutting off their Ears, *&c.* ſhall be adjudged Hog Stealers. *Ibid.* §. 5.

3. Any Perſon convict of Thieving, Hog Stealing, or other Crime, or that ſhall be of evil Fame, or a Vagrant, or diſſolute Liver, that ſhall ſhoot, kill, or hunt, or be ſeen to carry a Gun upon any ſeated Plantation, without the Owner's Leave, ſhall forfeit 1000 lb Tobacco; one Half to his Majeſty, the other Half to the Party grieved, or Perſon ſuing for the ſame. *Ibid.* §. 6.

HOGS. See *Annapolis*, 3. *Hog Stealing*, per Tot. *Negroes*, 30. *Warehouſes*, 3.

HORSES.

1. All Incloſures by Fences or otherwiſe (within this Act) ſhall be Five Feet high. And from the 1st *May* till the 10th *November* yearly, all Owners of Horſes, Mares, Colts, or Geldings, ſhall keep them within good and ſufficient Incloſures, fenced Grounds, or Paſtures, under the Penalties in this Act mentioned. 1715, *ch.* 31, §. 1.

2. And if any ſuch Horſes, *&c.* ſhall break into the Paſtures, Corn-fields, or other Incloſures, of any Inhabitants of this Province, within the Time before limited; if the Owner, after Notice thereof given him two ſeveral Times by the Party grieved, ſhall neglect to perform what is by this Law enjoined, ſuch Horſes, *&c.* may be ſhot or deſtroyed by the Party grieved. *Ibid.* §. 2.

3. But no injured Perſon may kill ſuch Horſes, *&c.* unleſs within his own proper incloſed Grounds, on Penalty of paying the Owner the full Value of ſuch Horſe, *&c.* ſo deſtroyed. *Ibid.* §. 3.

4. Perſons unlawfully taking and keeping One Hour in their Poſſeſſion, or riding or working any other Man's Horſe, *&c.* without Knowledge or Conſent of the Owner (unleſs found Treſpaſſing, and the Owner not known) ſhall pay Damages to the Owner, and alſo forfeit 500 lb Tobacco, one Half to the Informer, the other Half to the Party grieved; to be recovered in the County Court by Action of Debt, *&c.* *Ibid.* §. 5.

5. Any Stoned-Horſe that hath been broke, being found looſe and out of Incloſure, may be taken up and impounded by any Perſon whatſoever, and there detained till the Owner ſhall pay 5*s.* or 60 lb Tobacco to the Perſon impounding ſuch Horſe. *Ibid.* §. 11.

6. Stoned Colts above 18 Months old, or Stoned Horſes unbroke, being found looſe in the Woods, or out of Incloſure, may be ſhot or deſtroyed by any Perſon whatſoever. And the Perſon ſued for ſuch Shooting, *&c.* may plead the General Iſſue, *&c.* *Ibid.* §. 12.

7. No Perſon, not having Lands of his own, nor Renting a Plantation, ſhall keep any breeding Mare in the Woods; on Penalty of 600 lb Tobacco for every ſuch Mare; one Half to the County Charge, the other Half to the Informer. *Ibid.* §. 13.

See *Annapolis*, 3. *Guardians*, 7. *Horſe Stealers*. *Negroes*, 30. *Rangers*, per Tot. *Stray Horſes*, per Tot. *Troopers*, 2, 5. *Warehouſes*, 3.

HORSE RACING. See *Quakers*, 5.

HORSE RANGERS. See *Rangers*.

HORSE STEALERS.

Every Perſon who ſhall feloniouſly Take or Steal any Horſe, Mare, Gelding or Colt, within this Province, and all their Aiders, Abettors and Acceſſories, either before or after the Fact; and all Perſons who ſhall buy, take or receive, any Stolen Horſe, *&c.* knowing the ſame to be ſtolen, ſhall, on Conviction, Outlawry, or refuſing to anſwer directly, or ſtanding Mute upon Arraignment, or peremptorily Challenging above Twenty, ſuffer Death without Benefit of Clergy. 1744, *ch.* 20, §. 1.

HOUSE BREAKING.

1. Not to be tried in the County Court. 1715, *ch.* 26, §. 1.

2. Perſons convict of breaking into any Shop, Storehouſe or Warehouſe, altho' not contiguous to, or uſed with any Manſion Houſe; and Stealing from thence Goods to the Value of Five Shillings, ſhall ſuffer Death, without Benefit of Clergy. 1729, *ch.* 4, §. 2.

3. Perſons breaking into any Tobacco-Houſe, or other Out-houſe whatſoever, and Stealing from thence any Goods or Chattels to the Value of Five Shillings Sterling, or who ſhall counſel, hire, command, aid or abet, any Perſons to commit the ſame, or who ſhall be Acceſſories to any of the ſaid Offences, *&c.* ſhall ſuffer Death without Benefit of Clergy: Provided ſuch Tobacco-houſe or other Out-houſe be well boarded, *&c.* and the Doors Locked, Bolted in the Inſide, or Nailed. 1737, *ch.* 2, §. 2, 3.

HOUSE BURNING. See *Negroes*, 34, 37, 38. *Tobacco Houſes*, 1.

HOUSHOLD STUFF. See *Guardians*, 9.

HUNTING. See *Hog Stealers*, 3. *Incloſures*, 1. *Sabbath Breaking*, 1.

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JAYLOR. See *Criminal Fees*, 1. *Runaways*, 9.

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IMPORTATION of Gold and Silver encouraged. See *Gold and Silver*, 1, 2.

IMPORT DUTIES. See *Iriſh Servants*, 3—5. *Liquors imported*, per Tot. *Negroes*, 8, 9, 15. *Pitch, Tar and Pork*, per Tot.

IMPOUNDING. See *Horſes*, 5.

IMPRISONED. See *Adminiſtration Bonds*, 3. *Bankrupts*, 5. *Limitation of Actions*, 3, 6—8. *Specialties*, 2.

IMPRISONMENT. See *Blaſphemy*, 1, 2. *Curſing*, &c. 6. *Ingroſſers*, 2. *Indians*, 5. *Letters Public*, 5. *Letters Private*, 1. *Limitation of Actions*, 2. *Magiſtrates*, 2. *Militia*, 12. *Negroes*, 46. *Perjury*, 1, 2. *Servants*, 23. *Single Magiſtrates*, 1. *Tobacco Plants*, 1. *Witneſſes*, 6, 9,

IMPRISONMENT FEES. See *Sheriffs*, 29.

INCLOSURES.

No Perſon ſhall hunt with Guns or Dogs within any incloſed Grounds, Iſlands, Peninſulas, or Necks fenced acroſs from Water to Water, without Leave from the Proprietor thereof; on Penalty of 200 lb Tobacco to the Party grieved; to be recovered before a ſingle Magiſtrate, as in Caſe of ſmall Debts. 1728, *ch.* 7, §. 7.

See *Horſes*, 1, 3. *Rangers*, 5. *Stray Horſes*, 1.

INDENTURES. See *Servants*, 11, 16.

INDEPENDENT COMPANIES.

1. The Captain, Lieutenant, and Enſign of each Independent Company, ſhall have the ſame Powers, *&c.* to execute the Militia Laws in, and over their reſpective Companies, as the Field Officers have in and over their reſpective Regiments. 1733, *ch.* 7, §. 7.

2. The

I N D E X.

2. The Captain of each Independent Company ſhall receive Arms from, and be accountable to the Governor for the ſame, in the ſame Manner as the Colonel of a County. And the reſpective Men ſhall be liable and accountable to ſuch Captain, in the ſame Manner as the Men in any Troop or Company in the County Regiment, *&c.* *Ibid.* §. 8.

See *Militia*, per Tot. *Muſters*, per Tot. *Public Arms*, 7.

INDIANS.

1. Perſons carrying any Liquors to any *Indian* Town, or within Three Miles thereof, and ſelling them to any *Indians*, forfeit 5000 lb Tobacco: One Half to the Support of Government, the other Half to the Informer. 1715, *ch.* 16, §. 1.

2. To prevent Diſorders by drunken *Indians*, no Perſon ſhall ſell to any *Indians* above One Gallon of Rum, Wine, Brandy or Spirits, or above Five Gallons of Cyder, Perry, Quince-Drink or Strong Beer, in the Space of One Day; on Penalty of 3000 lb Tobacco: One Half towards defraying the County Charge, the other Half to the Informer. *Ibid.* §. 2.

3. Perſons raiſing, ſpreading, or uttering falſe Reports, to the Diſquiet of the *Indians*, or by any ſiniſter Means creating Miſunderſtanding between his Majeſty's Subjects and the *Indians*, forfeit 500 lb Tobacco: One Half to the County Charge, the other to the Informer. Such Perſons only excepted as ſhall give Information to the Magiſtrates or commanding Officers of the Militia, concerning ſuch Differences. *Ibid.* §. 3, 4.

4. No Perſons ſhall buy Guns or Match-Coats from *Indians* for Liquor, nor take any Pawns from them for Liquor; on Pain of returning ſuch Guns, Match-Coats, or Pawns, and loſing the Price of the Liquors. *Ibid.* §. 5.

5. Perſons taking, inticing, ſurprizing, ſelling, or tranſporting any Friend *Indian*, or attempting to do ſo, without Licence from the Governor; and all Acceſſories thereto, ſhall be fined and impriſoned at the Diſcretion of the Governor and Council, who ſhall give ſuch Satisfaction to the Informers againſt ſuch Offenders as they ſhall think fit. *Ibid.* §. 6.

6. Neighbouring *Indians*, apprehending and bringing any Runaway Servants or Slaves before a Magiſtrate, ſhall have a Match-Coat, or the Value thereof, to be paid by the County wherein apprehended. And ſuch Runaway, if not a Slave, ſhall reimburſe the County by Servitude or otherwiſe, as the Juſtices ſhall think fit. 1715, *ch.* 44, §. 7.

7. Any Juſtice of the Provincial or County Court may hear and determine all Manner of private and perſonal Controverſies between the *Engliſh* and *Indians*, not exceeding the Value of 20*s.* Sterling. And in caſe of either Party refuſing to perform the Judgment given, may ſeize any Goods of the Offender, and thereout make full Satisfaction to the Party wronged, returning the Overplus to the Owner. 1717, *ch.* 14.

8. *Indians* may kill Deer within the Time prohibited in this Act for private Uſe only, and not for Sale. 1730, *ch.* 17, §. 4. See *Deer*.

9. The County Courts are impowered, on Petition, to determine, in a ſummary Way, all private and perſonal Controverſies between Inhabitants and *Indians*, wherein the Value ſhall exceed 20*s.* Sterling; the Defendant being ſummoned, or voluntarily appearing, and to give Judgment thereon and award Coſts. But, the Party againſt whom Judgment is given, may appeal to the Provincial Court, *&c.* 1756, *ch.* 9, §. 2 and 6.

10. The Conſtable of the reſpective Hundreds wherein any *Indian* Town lies, ſhall, before the 20th *June* yearly, go to ſuch Town, and require from the Chief *Indian*, or Great Man of the Town, an exact Account of the Names, (both *Indian* and *Engliſh*) Sexes and Ages, of all the *Indians* belonging thereto; and ſhall make a fair Liſt of the Men, Women, Boys and Girls, diſtinguiſhing each Sex and Age by different Columns; and ſhall deliver the ſame to the County Clerk, by him to be recorded. 1756, *ch.* 13. §. 2.

11. Such Great Man refuſing or delaying to give ſuch Account, the Conſtable ſhall inform the Chief Juſtice of the County, who ſhall iſſue his Warrant to apprehend and bring ſuch Chief *Indian* before him: And, if he do not give a ſatisfactory Reaſon for ſuch Refuſal, *&c.* the ſaid Juſtice ſhall commit ſuch *Indian* to Priſon until he give ſuch Account, and pay Commitment Fees. *Ibid.*

12. Any *Indian* having occaſion to go from the Town to which he or ſhe belongs, ſhall apply to ſome Magiſtrate of that County, who ſhall give a Paſs, without Fee, expreſſing the *Indian*'s Name, Deſcription, *&c.* under the County Seal. Any *Indian*, diſcovered without ſuch Paſs, Ten Miles diſtant from the Town to which he or ſhe belongs, may be ſeized and carried before the next County Magiſtrate, who ſhall commit ſuch *Indian* until it be made appear to him to what Town ſuch *Indian* properly belongs. And when it ſhall appear that ſuch *Indian* doth belong to ſome Town in this Province, or is in Alliance with his Majeſty's Subjects in *America*, then ſuch *Indian* ſhall be diſcharged, on the Juſtice's Warrant; and the Sheriff's Commitment Fees be aſſeſſed in the Public Levy. *Ibid.* §. 3.

13. But nothing in this Act ſhall reſtrain *Indians* of the Six Nations from travelling as Embaſſadors or Meſſengers, to the Governor of this Province. *Ibid.* §. 4.

14. Encouragement given to a Party of *Cherokee Indians*. 1758, *ch.* 1.

See *Deer*, 1, 3, 4. *Militia*, 9. *Negroes*, 20. *Runaways*, 4. *Wolves*, 2, 3.

INDIANS LANDS.

1. The Bounds of a certain Tract of Land, to the Uſe of the *Nanticoke Indians*, in *Dorcheſter* County, are ſettled, and the Lands confirmed to them, their Heirs and Succeſſors for ever; to be held of the Lord Proprietary, under the yearly Rent of one Beaver Skin. 1704, *ch.* 58, §. 2.

2. But if the *Indians* deſert the ſaid Lands, then the former Grantees of Lord *Baltimore* may enter upon the ſame; nor ſhall any ſuch Grantees be liable to the Payment of Quit-Rents for the ſaid Lands, before they are in actual Poſſeſſion thereof. *Ibid.* §. 3, 4.

3. Commiſſioners were appointed to lay out 3000 Acres of Land, on *Broad-Creek* in *Somerſet* County, to the Uſe of the *Nanticoke Indians*. The Lands to be valued by a Jury, and the ſaid Value to be paid to the Owners by the Public. 1711, *ch.* 1, §. 2.

4. The ſaid Lands to be ſurveyed, laid out, and bounded; the Lines to be marked on Trees or other Land-marks, to perpetuate the ſame: And the Commiſſioners to return fair Certificates of their Proceedings to the Provincial Court, and *Somerſet* County Court, to be therein recorded. *Ibid.* §. 3.

5. The Lands ſo laid out and paid for, to remain to the Uſe of the ſaid *Indians* as long as they ſhall occupy the ſame; and afterwards ſhall be diſpoſed of as the General Aſſembly ſhall direct. *Ibid.* §. 4.

6. Such Laying out and Payment, ſhall be a perpetual Bar againſt any Right, Claim or Intereſt, in the ſaid Lands, derived from the Owners. *Ibid.* §. 5.

7. Commiſſioners to be appointed for re-ſurveying the *Indians* Lands, and aſcertaining the Bounds thereof. The Commiſſion to be in Force for Three Years, but the Proceedings and Determinations thereon to be perpetual. 1721, *ch.* 12.

8. The *Nanticoke Indians* ſhall have free and uninterrupted Poſſeſſion of the Tract lying between the North-Weſt Fork of *Nanticoke* River, and *Chicacone* Creek, as bounded by the Act of 1698, *ch.* 15, during ſuch Time as they ſhall think fit to uſe and not totally deſert and quit Claim to the ſame; nor ſhall they at any Time ſell, or leaſe for Term of Years, any Part thereof. 1723, *ch.* 18, §. 2.

9. The

9. The like Poſſeſſion is confirmed to the *Choptank Indians*, of the Tract in *Dorcheſter* County, upon *Choptank* River, as ſurveyed and returned by the Commiſſioners appointed to lay the ſame out, purſuant to the Act of 1721, *ch.* 12, (*ſee above*, Art. 7,) that Survey being found agreeable to the Act of 1669, *ch.* 1, by which that Land was originally granted to the ſaid *Indians*. *Ibid.*

10. The *Choptank Indians* ſhall not ſell, or let to Farm, any Part of the ſaid Lands, except ſuch Part as lies to the Eaſtward, Southward, and Weſtward, of the Lines formerly run from the Head of *Sewell*'s Creek, to *William Barrington*'s bounded Tree, as the exterior Bounds of the Land, purſuant to an Ordinance of the Aſſembly. And all the Purchaſes or Leaſes of any Part (except as before excepted) are declared void. *Ibid.* §. 3.

11. No Leaſe already made ſhall be of Force longer than 7 Years from the End of this Seſſion. And all Sales, Gifts, Grants or Leaſes, made by the ſaid *Indians* ſince *November* 1721, of any Lands on the South Side of *Sewell*'s Creek, *&c.* and within the Lines mentioned in the foregoing Article, are declared void, as being contrary to the Ordinances of Aſſembly then made. *Ibid.* §. 4 and 5.

12. But Purchaſes *bonâ fide* made ſince *November* 1721, or hereafter to be made, of that Part of the *Choptank Indians* Lands, within the Bounds aſcertained by the Commiſſioners, and excepted in *Art.* 10, are confirmed to the Purchaſers, their Heirs, *&c.* for ever. Provided ſuch Purchaſes be made when the *Indians* are ſober, *&c.* and the Conſideration paid to them before executing the Deeds of Sale; and that all ſuch Deeds be acknowledged by them before the County Court, or before One or more Members of the Council; otherwiſe to be void. *Ibid.* §. 6, 7.

13. The Falling, *&c.* of Timber within the Bounds of *Indians* Land, whereof any other Perſon hath the Fee, ſhall be accounted a Treſpaſs: And the Treſpaſſer ſhall be liable to Action, and Damages be recovered by the Grantee, in the ſame Manner as if ſuch Grantee were in actual Poſſeſſion of the Land. 1704, *ch.* 39.

14. *Charles Sewell*, Eſq; was ſatisfied for ſuch Lands laid out for the *Choptank Indians* (and which had been appropriated for their Uſe by 1669, *ch.* 1, (*ſee above*, Art. 9,) as his Father *Nicholas Sewell* had not been paid for in his Life Time: And alſo enacted, that when thoſe *Indians* ſhall totally deſert thoſe Lands, they ſhall be Sold for the Uſe of the Public. 1741, *ch.* 12.

15. The County Courts are impowered, upon Petition, to determine in a ſummary Way, all Complaints againſt Perſons holding *Indians* Lands, and refuſing to pay the Rents agreed for, and to give Judgment thereon, and award Execution with Coſts. 1756, *ch.* 9, §. 2, 3.

16. On Complaint made of Waſte or Treſpaſs upon the *Indians* Lands, and the ſame appearing on the Oath of one ſufficient Evidence, the County Court ſhall iſſue their Warrant to the Sheriff, to ſummon a Jury of Eighteen Freeholders, to appear on the Lands at a certain Day; who, upon Oath, ſhall aſſeſs the Damages, under their Hands and Seals, or the Hands and Seals of any Twelve of them that ſhall agree; which Inquiſition ſhall be returned by the Sheriff, under his Hand and Seal, to the next County Court. The Sheriff ſhall ſummon and ſwear to the Jurors all ſuch Witneſſes as may be required: The Court ſhall give Judgment for the Damages mentioned in the Inquiſition, unleſs Cauſe be ſhewn, why the ſaid Court, *&c.* And the Party againſt whom Judgment ſhall be given, ſhall pay the Officers Fees, and 15lb Tobacco to each Juror for every Day's Attendance. *Ibid.* §. 4.

17. Any Two County Juſtices, on Complaint of the *Indians*, may go upon their Lands, and finding the

Complaint to be true, may iſſue their Warrant to the Sheriff, to put out any Perſon holding the ſame on Pretence of Renting them from the *Indians*, and deliver peaceable Poſſeſſion to the ſaid *Indians*. And ſuch Perſon ſhall pay 64lb Tobacco to each Juſtice, and legal Fees to the Sheriff, *&c.* *Ibid.* §. 5.

18. Perſons againſt whom Judgment is given, by virtue of this Act, may appeal to the Provincial Court, giving Security as in other Caſes. But ſuch Judgment ſhall not be reverſed for Want of Judicial Proceſs, *&c.* if it appears that the Defendant was legally ſummoned, *&c.* *Ibid.* §. 6.

INDIAN TOWNS. See *Indians*, 10—12.
INDIAN WAR. See *Militia*, 7.
INDORSEMENT of Bonds. See *Specialties*, 1.
INDORSERS of Proteſted Bills. See *Advancement of Juſtice*, 5. *Bills of Exchange*, 2.
INDUCTION. See *Miniſters*, 1.
INFANT EXECUTORS. See *Orphans*, 5.
INFANTS. See *Adminiſtration Bonds*, 3. *Bankrupts*, 5. *Continuance of Actions*, 3. *Limitation of Actions*, 3, 6. 7, 8. *Minors*, per Tot. *Specialties*, 2.
INFORMER. See *Fines and Forfeitures*.

INGROSSERS.

1. Any Perſon who ſhall ingroſs, or get into his Hands, by Purchaſe, Contract or Promiſe, any Goods or Servants, with Intent to ſell the ſame again within Six Months, and the ſame, or any Part thereof, ſhall, within that Time, ſell again, for ready Tobacco, or Tobacco to be paid the Shipping happening at the Time of ſuch firſt Sale, or for Tobacco to be ſhipped for Payment of any Bill of Exchange drawn for Payment of the ſaid Goods, Merchandizes or Servants, with Intent to avoid the Penalties of this Act, or ſhall tranſport the ſaid Goods or Servants out of this Province, ſhall be deemed an unlawful Ingroſſer or Regrator, and ſuffer the Penalties of this Act. 1704, *ch.* 48, §. 1.

2. Perſons offending herein, and duly convicted thereof, ſhall, for the firſt Offence, ſuffer Two Months Impriſonment, and Loſs of the Value of the Goods, Merchandizes or Servants. For the ſecond Offence, Six Months Impriſonment, and double the Value of the Goods, *&c.* And, for the Third Offence, to ſtand in the Pillory, forfeit all their proper Goods and Chattels, and ſuffer Twelve Months Impriſonment. One Moiety of all which Forfeitures to be for the Support of Government, the other to the Informer. *Ibid.* §. 2 and 3.

3. This Act ſhall not extend to the Payment of Wages in Goods. *Ibid.* §. 4.

INJUNCTIONS.

1. On Application of any Perſon who ſhall think fit to proceed in Equity againſt any Verdict or Judgment rendered againſt him, in the County Court, ſuch Court may take Security from him, with two ſufficient Sureties, in not leſs than double the Debt and Coſts recovered, in the Form preſcribed in this Act. 1723, *ch.* 8, §. 5.

2. Which Bond ſhall be a ſufficient *Superſedeas* to ſtay farther Proceedings, 'til a Certificate is obtained out of Chancery, either of the Diſallowance of an Injunction in ſuch Caſe, or that ſuch Injunction hath not been ſued out of Chancery within two Months, or is diſſolved. *Ibid.*

See *Adminiſtration Bonds*, 1. *Continuance of Actions*, 3.
INROLLMENT of Deeds. See *Church Lands*, 1. *Conveyances*, 2, 3, 6—11.
INSPECTING-HOUSES. See *Warehouſes*.
INSPECTION of Flour and Bread. See *Flour and Bread*.
INSPECTION of Tobacco. See *Inſpectors*. *Tobacco Inſpected*. *Warehouſes*.

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INSPECTORS.

1. All Tobacco, before Exportation, ſhall be brought to ſome or One of the Public Warehouſes, herein after mentioned, and there Viewed and Inſpected in Manner as is herein after expreſſed. 1763, *ch.* 18, §. 2.

2. A Liſt of Warehouſes, Number of Inſpectors, and their Salaries in Tobacco.

Counties.	Warehouſes.	Inſpectors.	Salaries to each. lb *Tob.*
St. Mary's.	*Chaptico*, on the Land of *Philip Key*.	2.	6400.
	Gilbert Mackey's Plantation.	1.	5600.
	St. Innegoe's, on *Stephen Milburn*'s Land.	1.	5600.
	Wiccocomico, on *John Llewellin*'s Land.	1.	6400.
	Court-Houſe on *Abra. Barnes*'s Land.	1.	7200.
	Mr. *Cole*'s on *Cole*'s Creek.	1.	7200.
	[a] *Town-Creek*, on *H. Hopewell*'s Land.	1.	4800.
Kent.	[b] *Cheſter-Town*.	2.	6400.
	[c] *George-Town*, and [d] *Frederick-Town*, *Cæcil* County, on *Saſſafras* River.	1.	7200.
	[e] *Worton* Creek, on Mrs. *Graves*'s Land, called *Buck-Neck*.	2.	2400.
	[f] *Langford*'s Bay, on Mr. *Greſham*'s Land.	2.	4000.
	[f] *Tovey*'s, on *Gray*'s-*Inn* Creek.	2.	4000.
Anne-Arundel.	*Elk-Ridge* Landing, on *Patapſco*.	2.	8000.
	Indian Landing, on *Severn*.	2.	4800.
	Land of Eaſe, on *South-River*, and *Taylor*'s Landing, on *Patuxent*.	2.	6000.
	Pig-Point, on *Patuxent*, and *Sprigg*'s Point, on *Weſt-River*.	2.	7200.
	[g] *Annapolis*, at *Creagh*'s Warehouſe.	1.	4800.
Calvert.	*St. Leonard*'s Creek, on *Somerville*'s Land.	1.	6400.
	Hunting-Creek, on *Freeland*'s Land.	1.	7200.
	Lower-Marlborough, on *Smith*'s Land.	1.	8800.
Charles.	*Benedict-Town*, on *Patuxent*, *Maxwell*'s Land.	2.	6400.
	Piles's-*Freſh*, Head of *Wiccocomico*, *Parnham*'s Land.	2.	6400.
	Lower-Cedar Point, on *Jones*'s Land.	2.	5600.
	Chandler's Point, on *Port-Tobacco* Creek, on *Neale*'s Land.	2.	8000.
	Nanjemoy, on *Patowmack*, *Harriſon*'s Land.	2.	4800.
	Chickamuxon Creek, on *Smallwood*'s Land.	2.	4800.
	Pamunkey Creek, on *Stoddert*'s Land.	2.	4800.
Somerſet.	*Princeſs-Anne* Town, near *Monokin* Pidge, and *Maddox*'s Land, below the Mouth of *Back-Creek*.	2.	5600.
	Great-Annimeſſex, *Horſey*'s Land, on *Coleburn*'s Creek, at the old Town, and *Rehoboth* Town, on *Pocomoke*.	2.	5600.
	Warehouſe near *Green-hill* Town, on *Wiccomico*, and *Brown*'s Land, at the Head of *Barren-Creek*, on *Nanticoke*.	2.	5600.
Talbot.	*Kingston*, on the Lots of *Gale* and *Wilſon*.	1.	5600.
	Parſon's Landing, *Lloyd*'s Land.	1.	5600.
	Emerſon's Landing.	2.	6400.
	Bruff's Landing.	2.	4800.
	[h] *Sherwood*'s Landing, on *Broad* Creek.	2.	3200.
	Oxford, on *Gildart*'s Lots.	2.	5440.

[a] Four Days only in each Week.
[b] Inſpectors to attend 4 Days only in each Week.
[c] To attend Mondays, Tueſdays and Wedneſdays.
[d] ——Thurſdays, Fridays and Saturdays.
[e] ——One Day only in each Week.
[f] ——Two Days only in each Week.
[g] Three Days only in each Week.
[h] Four Days only in each Week.

INSPECTORS.

Counties.	Warehouſes.	Inſpectors.	Salaries to each. lb *Tob.*
Dorcheſter.	*Melvill*'s Warehouſe.	1.	8800.
	Hunting-Creek Warehouſe.	1.	10400.
	[i] Eaſt Side of N. W. Fork of *Nanticoke*, above *Cratcher*'s Ferry.	1.	4000.
	Ennalls's Warehouſe, at *Choptank* Ferry.	1.	9600.
	White's Warehouſe, on *Little-Choptank*.	1.	9600.
	[i] *Plymouth* Warehouſe, on *Fiſhing* Creek.	1.	4800.
	Vienna Town, on *Edmondſon*'s Land.	1.	4800.
Baltimore.	*Baltimore-Town*.	2.	9600.
	[k] *Joppa*, at the Ferry Landing near the Point Houſe on *Gunpowder* River, and at the Fork of *Gunpowder*, at the old Landing.	2.	6400.
	Otter-Point Landing, near the *Red-Cliff*, on *Buſh* River.	2.	6400.
	John Loney's at *Swan-Creek*, and at *Rock-Run*, on *Suſquehanna* River.	2.	6400.
Cæcil.	*Frederick-Town*, with *George-Town*, in *Kent* County on *Saſſafras* River. See *Kent* County.		
	[l] *John Holland*'s, at *Bohemia* Ferry.	1.	3200.
Prince-George's.	*Queen-Anne* Town, on *Patuxent*.	2.	7200.
	Upper-Marlborough, on *Joſeph Sim*'s Land.	2.	7200.
	Nottingham, on *Ruſſel*'s Land.	2.	6080.
	Magruder's.	2.	4800.
	Bladenſburg, on Dr. *Roſs*'s Land,	2.	8000.
	Broad-Creek, on *Batts*'s Land.	2.	4800.
	Piſcataway, on *Hawkins*'s Land.	2.	6400.
Queen-Anne's.	*Samuel Blunt*'s Dwelling Plantation.	2.	6400.
	[m] *Charles Brown*'s Landing.	2.	4800.
	Hopper's Land, at the Head of *Corſica* Creek.	2.	6400.
	Porter's Warehouſe, on *Campbell*'s Land.	2.	6400.
	[m] *Wells*'s Warehouſe, on *Cheſter* River.	2.	4800.
	Pemberton's Warehouſe.	2.	6400.
	[m] *Choptank* Bridge.	2.	4000.
Worceſter.	[n] Col. *Scarborough*'s Warehouſe, in *Snow-Hill* Town.	1.	8000.
	[n] *Newport* Town.	1.	4800.
	[o] *Broad-Creek*, on the North Side, at the Wading Place.	1.	2000.
Frederick.	*Geo. Gordon*'s Rolling Houſe, near the Mouth of *Rock-Creek*.	2.	9600.

[i] Three Days only in each Week.
[k] Three Days in the Week at each Warehouſe.
[l] Three Days only in each Week.
[m] Four Days, *viz.* Monday, Tueſday, Wedneſday and Thurſday, in each Week.
[n] Four Days only in each Week.
[o] Two Days only in each Week.

Ibid. §. 36 and 37.

N. B. *All Inſpectors are obliged to attend their Duties conſtantly, at their reſpective Warehouſes, from the firſt of* April *to the laſt of* July, *yearly, Sundays,* &c. *excepted. Such Inſpections only excepted, as are particularly Noted in the foregoing Liſt. For the particular Exceptions above Noted,* ſee §. 37 *and* 129, *of this Act. And for all other Attendance of Inſpectors,* ſee below, *Art.* 13.

3. All Tobacco brought to any of the Public Warehouſes before-mentioned, ſhall be viewed, examined and inſpected, by Inſpectors who ſhall be thereunto nominated and appointed in Manner following, *viz.* The Veſtry-men and Churchwardens of the ſeveral Pariſhes wherein any Warehouſe is eſtabliſhed by this Act, ſhall meet

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meet at their reſpective Pariſh Churches annually, between the 1st and 10th of *September*, to nominate and recommend to the Governor, *&c.* for the Time being, Four, or Two able and ſufficient Planters, well ſkilled in Tobacco, for each Inſpection within their different Pariſhes, as the Caſe may require, without having Regard to the Reſidence of ſuch Perſons for Inſpectors. And where Two Warehouſes, under one Inſpection, ſhall happen to be in different Pariſhes, the Veſtry, *&c.* of each Pariſh ſhall nominate Two or One ſufficient Planter, as the Caſe may require, for ſuch Inſpection. *Ibid.* §. 39. (Excepting, that the Veſtry of *Q. Caroline* Pariſh, in *Anne-Arundel* County, are impowered to elect and recommend Inſpectors for the Warehouſe at *Elk-Ridge* Landing, though ſituate in the Pariſh of *St. Margaret's Weſtminſter*, the Veſtry of which Pariſh ſhall no ways interfere in the Election, *&c.* of Inſpectors for the ſaid Warehouſe. *Ibid.* §. 38. And, that the Veſtry of *St. James's* Pariſh, in *Anne-Arundel* County, are impowered to nominate and recommend Four able Planters for Inſpectors at the Warehouſes at *Watkins's-Creek* and *Pig-Point*, notwithſtanding the former is ſituate in *All-hallows* Pariſh. *Ibid.* §. 123.) But no Veſtry-man or Church-warden, being himſelf an Inſpector, ſhall have Vote in the Nomination of any other Inſpector. *Ibid.* §. 48.

4. Every Veſtry-man and Church-warden, before they proceed to the Nomination, *&c.* of any Inſpector, ſhall take an Oath, faithfully, honeſtly and juſtly, to nominate, *&c.* ſuch as in their Judgment and Conſcience they think to be fit and capable to execute the Office of an Inſpector. *Ibid.* §. 49.

5. Every Veſtry-man or Church-warden neglecting or refuſing (unleſs prevented by Sickneſs, *&c.*) to meet, according to this Act, to nominate, *&c.* Inſpectors; or who, being ſo met, ſhall refuſe, *&c.* to nominate, *&c.* whereby Inſpectors ſhall not be nominated, *&c.* in purſuance of this Act, ſhall forfeit 800 ℔ Tobacco with Coſts: One Half to the Informer, the other to the Uſes in this Act mentioned. *Ibid.* §. 47.

6. Veſtries ſhall forthwith tranſmit Certificates of ſuch Nomination, *&c.* to the Clerk of the Council, out of which the Governor or Commander in Chief ſhall appoint, by Warrant under his Hand, Two out of the Four, or One out of the Two Perſons ſo recommended by any one Veſtry, to be Inſpectors, *&c.* And, where Two Warehouſes, under one Inſpection, ſhall be in different Pariſhes, then ſhall the Governor appoint One out of each Nomination to be Inſpector. *Ibid.* §. 41.

7. Perſons ſo appointed by the Governor, refuſing to ſerve, ſhall ſignify ſuch their Refuſal in Writing, under their Hands, directed to the Clerk of the Council, and deliver the ſame to the Sheriff of the County, within Ten Days from their Receipt of the Warrant, under Penalty of 400 ℔ Tobacco, to be recovered before a ſingle Magiſtrate. And the Sheriff ſhall forward the ſame in like Manner as Public Letters are to be forwarded. And Perſons again re-choſen by any of the Veſtries to ſerve as Inſpectors for the following Year, ſhall ſignify their Acceptance thereof within Ten Days of their being ſo re-choſen in the ſame Manner as above directed. *Ibid.* §. 42, 43.

8. Inſpectors accepting the Office, ſhall not reſign the ſame, or refuſe to act therein, until the 1st of *November* yearly. *Ibid.* §. 42.

9. Any Perſon, ſo nominated or commiſſioned to be an Inſpector, who ſhall take or receive any Reward or Gratuity to the Intent that he ſhall refuſe to act under ſuch Nomination, *&c.* ſhall forfeit double the Value of the Money or other Things ſo taken, *&c.* to be recovered by Indictment or Information in the County Court, and applied towards the defraying of the Charge of Inſpection in the County. And the Perſon paying or offering to pay, *&c.* any Money, *&c.* to the Intent aforeſaid, ſhall forfeit double the Value thereof, to be recovered and applied as aforeſaid, and for ever be diſ-

abled to be an Inſpector within this Province. *Ibid.* §. 44.

10. On the Death, Refuſal or Removal of any Inſpector, the Governor may appoint any other Perſon mentioned in the laſt Recommendation for that Inſpection, to ſucceed him. But if, by Deaths, *&c.* there ſhould not be Perſons enough left in ſuch Nomination, then the Veſtry ſhall meet and elect Four or Two, as the Caſe ſhall require, and tranſmit Certificates thereof as before directed, out of which the Governor ſhall appoint, *&c.* *Ibid.* §. 45.

11. Though the ſeveral Veſtries are to elect Inſpectors annually, yet where they elect again a former Inſpector, and nominate and recommend him to be an Inſpector for the enſuing Year, ſuch Nomination and Recommendation ſhall be a ſufficient Power to ſuch Inſpector to continue in the ſaid Office, without any new or further Appointment of the Governor, and ſo from Year to Year as long as he ſhall be nominated, *&c.* *Ibid.* §. 46 and 48.

12. Every Inſpector, annually, before entering upon Duty, ſhall give Bond, with good Surety to his Lordſhip, before Two Magiſtrates of the County, in the Penalty of 48,000 ℔ Tobacco, with Condition, for the true and faithful Performance of his Duty, and alſo take an Oath *&c.* of Office *(for which ſee the Act)* before any One Juſtice of the Peace for the County; which Oath, *&c.* ſhall be certified by ſuch Juſtice to the Veſtry of the Pariſh, and entered in the Pariſh Regiſter-Book; on Penalty (for preſuming to execute his Office before ſuch Bond given, ſuch Oath of Office taken, and alſo the taking and ſubſcribing the Oaths to the Government, *&c.*) of 80,000 ℔ Tobacco. *Ibid.* §. 9.

13. Inſpectors ſhall attend Duty at their reſpective Warehouſes from the Firſt *November* to the Firſt *April*, as often as required; and conſtantly from the Firſt *April* to the laſt *July* yearly, (except Sundays, and the Holidays at Chriſtmas, Eaſter and Whitſuntide, or when hindered by Sickneſs, or in ſuch Caſes as in this Act is otherwiſe provided) and afterwards they, or One of them, ſhall conſtantly attend at the ſame (Sundays excepted) till all the Tobacco there remaining on the laſt of *July*, ſhall be delivered out for Exportation; on Penalty of 60 ℔ Tobacco for every Neglect, to the Party grieved; or be liable to ſuch Party's Action for all Damages ſuſtained by ſuch Neglect, with Coſts, at the Election of ſuch Party. *Ibid.* §. 10. N. B. *For particular Exceptions to the general Attendance required above, ſee the Liſt of Warehouſes*, Art. 2, *above.*

14. In caſe of Sickneſs or other Diſability of one Inſpector, the other may execute all the Powers which they jointly might do by virtue of this Act. But the Inſpector, ſo acting alone, ſhall be anſwerable for all Tobaccoes by him ſo inſpected and paſſed, and his Bond may be ſued for any Breach of the Condition by him committed during the Abſence of ſuch ſick or diſabled Inſpector. *Ibid.* §. 11.

15. If both Inſpectors at any Houſe ſhall happen to be Sick, *&c.* at the ſame Time, then, and in ſuch Caſe only, may each of them appoint a ſufficient Planter to act in his Stead, who, upon taking the Oaths of Office, *&c.* (*ſee* Art. 12,) ſhall be impowered to inſpect, *&c.* the Tobacco brought to the ſaid Houſe during ſuch Sickneſs or Diſability. But the ſaid Sick or Diſabled Inſpectors, and their Sureties, ſhall be anſwerable for the ſaid Tobacco ſo inſpected and paſſed, as if themſelves had perſonally officiated. *Ibid.* §. 12.

16. If a ſingle Inſpector be ſick, *&c.* he may nominate One ſufficient Planter, who, on taking the aforeſaid Oaths, *&c.* may act in his Stead; but ſuch ſick Inſpector and his Sureties ſhall ſtill be anſwerable, *&c.* *Ibid.* §. 13.

17. If any Inſpector feign Sickneſs, ſo as under ſuch Pretence to abſent himſelf from Duty, he ſhall for every Day of ſuch Abſence, forfeit 320 ℔ Tobacco; to be recovered before a ſingle Magiſtrate, as in caſe of

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small Debts. One Half to the Informer, the other Half to defray the Expences arising to the County in the Execution of this Act. *Ibid.* §. 11.

18. Inspectors shall uncase and break every Hogshead, Cask, or Case of Tobacco, brought to them for Inspection; and, if they judge the same to be sound, well-conditioned, merchantable, and clear of Trash, shall weigh the Tobacco and Cask, and stamp or brand the Head and Bulge with the Name of the Inspecting-House, Tare, and nett Weight of Tobacco therein contained. And if the Two Inspectors at any Warehouse shall disagree concerning the Quality of Tobacco brought there for Inspection, they shall, without Delay, call another Inspector from the neareſt Warehouse, who shall determine the Difference. *Ibid.* §. 10.

19. If any Inspector bring his own Tobacco to the Warehouse, it shall be viewed and examined by the other Inspector there attending; or, if it be a single Inspection, then by the Inspector or Inspectors of the next adjacent Warehouse. *Ibid.*

20. Inspectors, after having viewed, examined and weighed any Tobacco brought to the Warehouse for Payment of Debts, *&c.* shall deliver to the Person bringing the same, as many Promissory Notes for the Quantity received as shall be required; expressing therein whether the Tobacco be Stemmed, Leaf, or Coloured. Which Notes shall be current and transferable in all Tobacco Payments within the County, according to the Species expressed in the Note. And for all such Tobacco brought in good Cask of legal Dimensions, the Inspectors shall allow the Persons bringing the same, at the Rate of 4 per Cent of the Tobacco therein contained after passing. *Ibid.* §. 14.

21. Inspectors shall make every Hogshead by them paid in Discharge of such Notes, to contain 1000 ℔ nett Tobacco at least, exclusive of Allowance for Cask. And the Person receiving any such Hogshead, well lined and nailed, fit for Shipping, shall pay the Inspectors 56 ℔ Tobacco for Inspecting, and 4 ℔ Tobacco for Nails (which Sum of 4 ℔ Tobacco the Inspectors may retain to their own Use to reimburse them the Expence of Nails;) and shall also allow 4 ℔ Tobacco per Cent for Cask, and 2 ℔ per Cent for Shrinkage, if paid within Two Months after Date of the Note, and 1 ℔ per Cent for every Month after; provided the whole Allowance for Shrinkage do not exceed 6 ℔ per Cent. *Ibid.*

22. Inspectors refusing or delaying to pay their Notes on Demand, shall pay to the Party injured double the Value of the Tobacco, to be recovered with Costs in any Court of Record, if the Note exceed 600 ℔ Tobacco; but, if not exceeding 600 ℔ Tobacco, then such double Value may be recovered before any Justice of the County. *Ibid.*

23. No Inspector shall give out any Promissory Note for Tobacco, unless he shall have actually received and passed the full Quantity therein expressed, on Forfeiture of his Year's Salary; nor shall give any Crop-Note in Lieu of Transfer, unless the Hogshead for which the same is given, be actually prized and ready for Exportation; on Penalty of 800 ℔ Tobacco for every such Note. *Ibid.* §. 15.

24. Crop-Tobacco, brought in Hogsheads, *&c.* to the Warehouse, shall be viewed, examined, weighed, *&c.* and the Inspectors shall deliver as many Receipts for the same as shall be required for the Number of Hogsheads so brought and stamped. And the Owner, if on the Eastern Shore, shall pay to the Inspectors for viewing, *&c.* 28 ℔ Tobacco per Hogshead, and find Nails; and, if on the Western Shore, 24 ℔ Tobacco per Hogshead, and find Nails. *Ibid.* §. 16.

25. No Inspector shall convert to his own Use, or otherwise dispose of Draughts or Samples of Crop Tobacco; but, if fit to pass, shall carefully put the same into the Hogshead, on Penalty of 160 ℔ Tobacco for each Draught so taken away, to be recovered before any County Magistrate. *Ibid.* §. 64.

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26. Inspectors, when required, shall prize any Hogshead of Crop-Tobacco, under 950 ℔ nett, so as to make it up that Weight; but shall receive the same Fee as for Transfer, and the legal Abatements for the Tobacco prized in. *Ibid.*

27. For Tobacco brought by an Overseer to any Warehouse, the Inspector shall give Notes for the same in the Name of the Owner; and the Notes shall be delivered to the Owner, or his Order. *Ibid.*

28. Stemmed Tobacco, not laid streight, whether packed loose, or in Bundles, shall not be passed or received. *Ibid.* §. 18.

29. Tobacco, passed in Hogsheads, which exceed 48 Inches in the Length of the Stave, and 70 Inches in the whole Diameters within the Staves at the Croze and Bulge, shall not be passed; but the Owner shall repack the same in sizeable Cask, at his own Cost, before the same shall be stamped by the Inspectors. *Ibid.*

30. Light Hogsheads or Parcels of Tobacco, passed and not stamped, may be delivered by the Inspectors to the Owners of the Notes, and the same may be carried away for the better sorting, *&c.* the Owner paying for Inspection at the Rate of 56 for every 750 ℔ Tobacco. But such Tobacco shall not be Shipped off till it be again inspected, *&c.* for which the Inspectors shall again receive the established Fees, under the same Penalties as are in this Act inflicted for shipping off, *&c.* Tobacco not inspected, *&c.* *Ibid.* §. 65.

31. Prized Tobacco, being brought to a Warehouse, and refused by the Inspectors, unless the same be picked, the Inspectors, in such Case, shall permit the Owner to use One or more of their Prizes for the Repacking, *&c.* of such Tobacco. And if there be Hogsheads belonging to different Owners to be so picked, *&c.* at the Warehouse, the Person whose Hogshead was first viewed and refused, shall have the first Use of the Prizes, *&c.* For Tobacco so re-packed by the Owner, there shall be paid to the Inspectors, only 28 ℔ Tobacco on the Eastern, and 24 ℔ Tobacco on the Western Shore for Stamping: But if it be repacked, *&c.* by the Inspectors, then 56 ℔ Tobacco per Hogshead, and also 4 ℔ Tobacco for Nails, unless the same be provided by the Owners. *Ibid.* §. 64.

32. Inspectors, when they have inspected any Hogshead of Tobacco, shall Case and Nail the same in good Order, immediately after inspecting the same. *Ibid.* §. 114.

33. Owners of Transfer Notes may receive and mark Hogsheads of Tobacco for satisfying the same; the Inspectors taking in their former Notes, and delivering Crop-Notes for such Hogsheads, and being answerable for the same as for Crop-Tobacco. And the Persons receiving such Hogsheads shall pay the Inspectors for Inspection and Nails, *viz.* 32 ℔ Tobacco on the Eastern, and 36 on the Western Shore, down; and 28 on the Eastern, and 24 on the Western Shore, when delivered out. *Ibid.* §. 66.

34. No Inspector shall, directly or indirectly, take any Gratuity, *&c.* (other than his Salary and other Payments in this Act mentioned) for any Thing to be done by him in pursuance of this Act; on Forfeiture of 8000 ℔ Tobacco, to be recovered with Costs by any Person informing or suing for the same, in any Court of Record: And shall, moreover, be disabled from serving as Inspector, or holding any other Office during the Continuance of this Act. And the Person offering any Bribe, Reward or Gratuity, to any Inspector, other than the Fees and Allowances in this Act appointed, shall, on Conviction in any Court of Record, forfeit 1600 ℔ Tobacco, to the Uses in this Act hereafter mentioned. *Ibid.* §. 61.

35. No Inspector shall inspect any Hogshead or Parcel of Tobacco (unless the same be brought to the Warehouse on or before the last Day of *July* yearly) at any Time between the said last Day of *July* and the first of *November* yearly, on Forfeiture of 160 ℔ Tobacco for every 100 ℔ Tobacco so by them inspected;

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to be recovered, if not exceeding 600lb Tobacco, before any County Magiſtrate; but, if above that Sum, then to be recovered in the County Court. One Half of all ſuch Penalties to the Informer, the other Half to the defraying the County Charge of Inſpecting. *Ibid.* §. 116.

36. Perſons entitled to receive inſpected Tobaccoes, may oblige the Inſpectors to open the Hogſhead, and ſhew the Tobacco, and re-weigh the ſame, whether it be Crop or Transfer. And if ſuch Perſon ſhall refuſe to accept the ſame in Payment, as bad, *&c.* he ſhall apply to a County Magiſtrate, no way related to the Parties, or concerned in Intereſt, who, by his Warrant, ſhall appoint Three ſkilful diſintereſted Planters, which Planters (having firſt taken an Oath, *&c. for which ſee the Act*) ſhall repair to the Warehouſe, and view the Tobacco in ſuch Manner as they ſhall think fit: And, if any Two of them ſhall judge the ſame, or any Part thereof, to be bad, *&c.* ſhall cauſe it to be immediately burnt, unleſs the Inſpectors ſhall deſire to pick it; which being done, they ſhall cauſe the bad Tobacco therein to be burnt; and, for their Trouble, ſhall be paid by the Inſpector who tendered the ſame, 40lb Tobacco each. But, if any Two of them ſhall adjudge the Tobacco to be good, *&c.* then the Party deſiring the View, ſhall pay them 40lb Tobacco each, as aforeſaid. Tobacco, ſo tendered and refuſed, ſhall not be tendered in Payment by any Inſpector; nor ſhall the Perſon refuſing the ſame, receive any Tobacco in Lieu thereof, before it be viewed as aforeſaid, but ſhall immediately mark the ſame. Inſpectors offering Tobacco in Lieu of the Tobacco ſo refuſed, before being viewed as aforeſaid, or not producing the ſame to the Viewers, ſhall forfeit 1600lb Tobacco for each Offence; and the Perſon accepting another Hogſhead of Tobacco in Lieu of one refuſed, before ſuch View, ſhall forfeit 1600lb Tobacco for every Hogſhead. But where Two Inſpectors, in the ſame Inſpection, ſhall diſagree concerning the Quality of any Hogſhead of Tobacco; and that, on Review thereof as aforeſaid, the ſame, or any Part thereof, ſhall be condemned by the Reviewers, or burnt, then the Inſpector who was againſt firſt paſſing the ſame, ſhall not be burthened with making Satisfaction; but the other Inſpector, who was for paſſing it, ſhall be burthened with the whole. *Ibid.* §. 62 and 63.

37. Inſpectors, if required, ſhall alter the Mark of any Hogſhead for which they have given a Receipt; and, for preventing Miſtakes, ſhall enter the Marks, *&c.* of all Hogſheads received; and, in another Book, the Marks, *&c.* thereof when delivered out. *Ibid.* §. 64.

38. Inſpectors ſhall ſell all Transfer Tobacco, which ſhall not be received and marked, (*as directed*, Art. 33,) on the ſecond Day of *November* Court, yearly, if fair Weather, if not, on the next fair Day of the ſame Court, by public Auction, in ſingle Hogſheads; and ſhall pay the Money ariſing by ſuch Sale, at the averaged Price of the Tobacco ſold belonging to each Houſe, in Satisfaction of their Notes, to the Proprietors, on Demand; under the ſame Penalty (*ſee* Art. 22,) as for not paying Inſpectors Notes. *Ibid.* §. 66.

39. Inſpectors ſhall, Ten Days before *November* Court, yearly, lodge with the reſpective County Clerks, an Account, upon Oath, of all Transfer Tobacco then in their Hands, before expoſing it to Sale; and ſhall keep and exhibit a true Account, upon Oath, of the Tobacco gained upon Allowances for Caſk or Shrinkage, and ſell the ſame, as before directed in the Caſe of Transfer Tobacco not received, and ſhall account for the Money to the Juſtices. Nor ſhall any Inſpector convert any Tobacco, ſo gained or ſaved, to his own Uſe. *Ibid.* §. 67.

40. Inſpectors ſhall, annually, in *November* Court, after the Sale of Transfer Tobaccoes, and One Day before laying the Levy, account with the Juſtices, upon Oath, for all Money and Tobacco (except what is

paid for Nails) by them received for every Transfer Hogſhead: In which Account ſhall be allowed their Salaries, Warehouſe Rent, Purchaſe of Hogſheads, and other neceſſary Diſburſements in purſuance of this Act. And ſhall pay the Proprietors of Warehouſes their Rents, in the ſame Proportion of Money and Tobacco as they ſhall in the Whole receive in that Year on Account of the ſeveral Warehouſes. *Ibid.* §. 68.

41. If, at laying the Levy, there ſhall remain any Claim ariſing from Inſpectors Salaries, or other annual Charge, from any Inſpecting Houſe within the County, the Juſtices ſhall, yearly, at *November* Court, aſſeſs a Quantity of Tobacco on the Taxable Inhabitants, ſufficient to diſcharge the ſame. *Ibid.* §. 69.

42. The Inſpectors of the ſeveral Warehouſes ſhall, on the Firſt Day of *Auguſt* Court, yearly, return to the Court a diſtinct Liſt of the Marks, Numbers, Tare and nett branded Weight of every Hogſhead of Tobacco, then in their ſeveral Warehouſes, which have been inſpected above Three Years, to be lodged with the County Clerk. And the Juſtices ſhall cauſe a Copy of ſuch Liſts to be immediately ſet up at the Court-Houſe Door, advertiſing the Tobacco therein mentioned to be ſold the Third Day of that Court, if fair Weather, if not, the next fair Day: And ſhall ſell the ſame accordingly, in ſingle Hogſheads, at Public Vendue; and apply the Produce to defraying the County Charge. And, if the Owner ſhall thereafter claim and make appear his Property to the ſame, the Juſtices ſhall aſſeſs, in the next County Levy, ſuch Sum as the Tobacco ſold for, for the Uſe of the Owner. *Ibid.* §. 150.

43. But, if the Owner of any Hogſhead of ſuch Liſted Tobacco ſhall, within Two Months next before ſuch Court of Sale, give Notice in Writing to the Inſpector, of his being Owner thereof, deſcribing the Mark, Number, and nett Weight of ſuch Tobacco, and that he is unwilling the ſame ſhould be ſold, ſuch Notice ſhall be, by the ſaid Inſpectors, returned and lodged with the ſaid Liſt: And ſuch Tobacco ſhall be marked in the Copy, *Not to be Sold*, nor ſhall the ſame be ſold. But no old Tobacco, ſo liſted, ſhall thenceforward be allowed a legal Tender in any Tobacco Payment whatſoever. *Ibid.* §. 151, 152.

44. Every New Inſpector, elected in the Room of an Inſpector who ſerved the preceding Year, ſhall, within Ten Days after his being qualified, make out Two Liſts of all the Hogſheads of Tobacco then in the ſame Houſe being, (and which ſhall be delivered to him well nailed, lined, and fit for ſhipping, by the old Inſpector) deſcribing the Marks, Numbers, *&c.* ſtamped thereon, and ſign a Receipt, at the Foot of each Liſt, of the Hogſheads ſo received: Which Liſts ſhall be delivered to the old Inſpector, and one of them ſhall by him be lodged with the County Clerk, under Penalty of 8000lb Tobacco, on each Inſpector neglecting to make ſuch Liſts, and the ſame on the old Inſpector neglecting to lodge the ſame with the County Clerk, to be recovered and applied as before directed. And the New Inſpectors ſhall be anſwerable to the Owners of the Notes in the ſaid Liſts mentioned, ſo far as to be obliged to produce the ſame Hogſheads belonging to any Owner, and alſo to the old Inſpector for all Damages happening to ſuch Tobacco through his Negligence. *Ibid.* §. 146.

45. County Courts ſhall hear and determine, in a ſummary Way, all Complaints againſt Inſpectors; and if ſuch Inſpectors be found deficient in their Duty, may remove them; and with all convenient ſpeed, notify ſuch Removal to the Governor, *&c.* Provided ſuch Inſpector be ſummoned to appear, *&c.* and if he will not appear, his Non-Appearance ſhall be taken for Confeſſion, unleſs reaſonable Excuſe be given. *Ibid.* §. 56.

46. No Inſpector, during his Continuance in that Office, nor within two Years next after, ſhall be capable of being elected, or ſhall intermeddle (otherwiſe

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than by giving his Vote) in the Election of Delegates, on Penalty of 8000 lb Tobacco for every Offence: Nor ſhall he be Collector of Quit-Rents, or Levies, or of Officers Fees: Nor ſhall he, by himſelf or any other, buy or receive any Tobacco, by Way of Barter, Loan, or Exchange; or permit or ſuffer any Tobacco to be bought by any Perſon, with Money ariſing from the Sale of Goods, &c. made by ſuch Inſpector, upon his own, or the Account of any other Perſon: Nor ſhall intermeddle in procuring Tobacco, to be ſold or conſigned to any Merchant; or lading Tobacco on board any Ship, except his own proper Tobacco, under Penalty of 2401b Tobacco, for every 1001b ſo bought, &c. to be recovered before a ſingle Magiſtrate, where the Forfeiture does not exceed 6001b Tobacco; and if above that Sum, then in any Court of Record, with Coſts; one Half to the Informer, the other Half to the County Charge of Inſpection. But Inſpectors may receive their own proper Rents or Debts, in inſpected Tobacco. *Ibid.* §. 60.

47. Mr. *Green* the Printer, ſhall be allowed by the ſeveral County Courts, annually, at laying their County Levy, 3201b Tobacco for each Inſpection reſpectively, for printing and delivering a ſufficient Number of Books, Notes and Manifeſts, for the ſeveral Inſpectors. *Ibid.* §. 118.

48. The Inſpectors of the ſeveral Warehouſes, wherein Tobacco ſhall remain already inſpected by Virtue of former Laws, ſhall deliver out the ſame for Exportation, notwithſtanding the Expiration of ſuch Laws. And the Inſpectors, and all Maſters, Skippers and Others, ſhall be under the ſame Regulations, &c. with reſpect to ſuch Tobacco, as if it had been inſpected under this Act. *Ibid.* §. 119.

49. Perſons who ſhall Forge or Counterfeit the Stamp, Note or Receipt, of any Inſpector, or knowingly tender any ſuch forged Note in Payment, or export any Hogſhead of Tobacco ſtamped with a Counterfeit Stamp, or demand Tobacco of any Inſpector upon ſuch counterfeited Note, knowing ſuch Note, or Receipt, or Stamp, to be Forged, &c. or who ſhall pack any Tobacco into any Hogſhead, &c. which hath been ſtamped by an Inſpector, or take out any Stave, Plank or Heading-Board, of any Hogſhead, &c. after the ſame ſhall be delivered out from any Public Warehouſe; ſhall, on Conviction, receive 39 Laſhes on the bare Back, and ſtand two Hours in the Pillory. In which Caſes the Teſtimony of the Inſpectors, joined with other corroborating Circumſtances, ſhall be admitted as Evidence. *Ibid.* §. 19.

See *Tobacco Inſpected*, 12. *Tobacco Run*, 7.

INSPECTORS NOTES.

1. No Tender of Debts or Duties, payable in Tobacco, ſhall be good in Law, unleſs made in Inſpectors Notes. 1763, *ch.* 18, §. 17.

2. The Forging or Counterfeiting any Inſpector's Note, or knowingly tendering ſuch forged Note in Payment, or demanding Tobacco thereon of any Inſpector, is puniſhable by Whipping and Pillorying. *Ibid.* §. 19.

3. For Transfer Tobacco brought to any Public Warehouſe, the Inſpector (having viewed and paſſed the ſame) ſhall deliver as many Promiſſory Notes as ſhall be required, allowing the Perſon bringing the ſame, (if brought in good Caſk of legal Dimenſions) at the Rate of 4 lb per Cent, of the Tobacco therein contained after paſſing: Which Notes ſhall be current and transferable in all Tobacco Payments within the County. *Ibid.* §. 14. Except the 30 per Poll to the Clergy, which ſhall be paid in Inſpectors Notes in their ſeveral Pariſhes; or if there be no Inſpecting Houſe therein, then at the next adjacent Warehouſe. *Ibid.* §. 23. *See below*, Art. 7.

4. Inſpectors ſhall make every Hogſhead, by them paid in Diſcharge of Transfer Notes, to contain 1000 lb nett Tobacco at leaſt, excluſive of Allowance for Caſk.

And the Perſon receiving the ſame (beſides paying for Inſpection and Nails) ſhall allow 4 lb Tobacco per Cent for Caſk, and 2 per Cent for Shrinkage, if paid within Two Months after Date of the Note, and 1 per Cent for every Month after, ſo that the whole Allowance for Shrinkage do not exceed 6 per Cent. *Ibid.* §. 14.

5. Inſpectors refuſing or delaying to pay their Notes on demand, forfeit double the Value of the Tobacco to the Party injured, with Coſts. *Ibid.*

6. Owners of Transfer Notes may receive and mark Hogſheads of Tobacco for ſatisfying the ſame, the Inſpectors taking in their former Notes, and delivering Crop Notes for ſuch Hogſheads, and being anſwerable for the ſame as for Crop Tobacco, paying for Inſpection and Nails. And the Inſpectors ſhall ſell all Transfer Tobacco, not ſo received and marked, on the 2d Day of *November* Court, yearly, &c. by public Auction, in ſingle Hogſheads; and ſhall pay the Money ariſing by ſuch Sale, at the averaged Price of the Tobacco ſold belonging to each Houſe, in Satisfaction of their Notes to the Proprietors, on demand; under the ſame Penalty as for not paying Inſpectors Notes. *Ibid.* §. 66.

7. Tobacco, in Diſcharge of Public and County Levies, may be paid in Inſpectors Notes, at any Warehouſe within the County:—Parochial Charges and Clergy's Allowance, at ſome Warehouſe within the Pariſh:—Officers and Attorneys Fees, at ſome Warehouſe within the County where the Debtor reſides:—And if any County or Pariſh be without a Warehouſe, then all the aforeſaid Dues to be paid at ſome Warehouſe in the next adjacent County or Pariſh. But no Notes of the preceding Year, ſhall paſs in ſuch Payment. *Ibid.* §. 21.

8. All Levies, Parochial Charges, Fees, and Clergy's Allowance, payable in Tobacco, ſhall be ſatisfied by Inſpectors Notes to the Sheriffs, before the 10th of *June* yearly; and if not paid within that Time, the Sheriffs may diſtrain, &c. *Ibid.* §. 30.

9. No Inſpector ſhall give out any Promiſſory Note, for Tobacco, unleſs he ſhall have actually received and paſſed the full Quantity therein expreſſed, on Forfeiture of his Year's Salary: Nor give any Crop Note in Lieu of Transfer, unleſs the Hogſhead for which the ſame is given, be actually prized, &c. *Ibid.* §. 15.

10. Inſpectors, having viewed, weighed and paſſed, Crop Tobacco brought to the Warehouſe in Hogsheads, &c. ſhall give as many Receipts for the ſame, as ſhall be required, for the Number of Hogſheads ſo brought and ſtamped. *Ibid.* §. 16.

11. For Tobacco brought by an Overſeer to any Warehouſe, the Inſpector ſhall give Notes for the ſame, in the Name of the Owner; and the Notes ſhall be delivered to the Owner, or his Order. *Ibid.* §. 64.

12. Perſons having caſually loſt, &c. any Inſpectors Note or Receipt, ſhall make Oath, &c. before a County Magiſtrate to the Number, Date, Quantity, Loſs, &c. and Property thereof; and on producing the Magiſtrate's Certificate of ſuch Oath, and lodging the ſame with the Inſpectors who ſigned the ſame, ſuch Inſpectors ſhall pay the Tobacco (if not before paid, in the Whole or Part) to the Perſon obtaining ſuch Certificate. And any Perſon convicted of falſe Swearing, or producing a forged Certificate in the Caſe aforeſaid, ſhall forfeit at the Rate of 2401b Tobacco, for every 1001b Tobacco contained therein, and alſo ſuffer as in Caſe of wilful Perjury. *Ibid.* §. 20.

13. If any Warehouſe happen to be burnt, the Loſs of the Tobacco ſhall be made good to the Sufferers, out of the Public Levy: And no Inſpector ſhall be ſued for Notes, by him given for any Tobacco burnt therein, but he ſhall be altogether diſcharged from Payment thereof. *Ibid.* §. 54.

See *Inſpectors*, 20—24, 27, 30, 33, 38, 44, 49. *Miniſters*, 9.

INSURRECTION. See *Militia*, 7. *Negroes*, 37. *War*, 3.
INTEREST. See *Uſury*.
INTERLOCUTORY SENTENCES. See *Prerogative Court*, 2.

INTESTATES ESTATES.

1. After a full Account made by an Adminiſtrator of any Inteſtate's Eſtate, the Commiſſary-General ſhall make Diſtribution of the Surpluſage, in Manner following, *viz.*

I. One Third Part to the Widow.

II. The Reſidue, by equal Portions among the Children, and their legal Repreſentatives if any ſuch Children be dead.

III. Except ſuch Children as have received Portions, by Settlement of the Inteſtate in his Life Time, equal to the Share allotted by ſuch Diſtribution to the other Children.

IV. Such Children as have received Settlements, from the Inteſtate in his Life Time, not equal to the Share due by the Diſtribution to the other Children, ſhall have ſo much of the Surpluſage, as ſhall make the Eſtate of all the Children, as equal as can be eſtimated.

V. But the Heir at Law, notwithſtanding any Lands he may have by Deſcent, or otherwiſe, from the Inteſtate, ſhall have an equal Share with the other Children in the Diſtribution.

VI. In caſe there be no Children, nor legal Repreſentatives of them, the Widow ſhall have one Moiety; and the Reſt be divided among the next of Kindred, in equal Degree, and their legal Repreſentatives. But no Repreſentatives ſhall be admitted among Collaterals, after Brothers and Siſters Children. *But ſee below*, VIII and IX.

VII. If there be no Widow, then the Eſtate ſhall be equally divided among the Children; and if no Children, then among the next of Kindred in equal Degree, or their legal Repreſentatives as aforeſaid. 1715, *ch.* 39, §. 4—6.

VIII. In caſe the Adminiſtrator (where there are no nearer Collaterals) be of Kin to the Deceaſed, within the 5th Degree, either of Conſanguinity or Affinity; he, and all others as nearly Related, ſhall have the ſame Right to the Reſidue as Brothers and Siſters Children. 1719, *ch.* 14, §. 3; and 1729, *ch.* 24, §. 18.

IX. But if there be a Widow, no other Collaterals ſhall be admitted than thoſe directed by this Act; and ſhe ſhall have the whole Reſidue. 1719, *ch.* 14, §. 4; and 1729, *ch.* 24, §. 19.

2. After ſuch Diſtribution made, the Commiſſary-General ſhall tranſmit the Account thereof, to the ſeveral County Courts where the Eſtates lie. 1715, *ch.* 39, §. 7.

3. The Adminiſtrator of the Eſtate of any Inteſtate, leaving no known Relations or Repreſentatives legally entitled to the Reſidue, ſhall be obliged to pay the Balance of ſuch Eſtate, to the Viſitors of the Public School of the County where the Deceaſed reſided, in the ſame Manner as he wou'd have been obliged to pay the ſame to the legal Reſiduary, if any ſuch had appeared; to be applied to the Uſe of ſuch School. 1719, *ch.* 14, §. 2; and 1729, *ch.* 24, §. 17.

4. The Adminiſtrator ſhall pay ſuch Balance, in Current Money or in Specie, at the Direction of the Viſitors: And if paid in Money, ſhall be allowed 10 per Cent, if in Specie 5 per Cent, and no more. 1729, *ch.* 24, §. 17.

5. If ſuch Reſidue ſhall be paid to the Viſitors, and legal Repreſentatives of no remoter Degree than Brothers and Siſters Children ſhall afterwards appear, and prove themſelves to be ſuch; then ſhall the Viſitors reſtore the ſame to ſuch legal Repreſentatives, if in their Hands. But if actually applied to the Uſe of the School, then the Public Stock of ſuch School ſhall be liable to make Satisfaction for ſuch Reſidue: And

the Viſitors ſhall give an Order for the ſame on the Public Treaſurers; who ſhall pay the ſame out of the Public Stock of ſuch School, if ſo much be in their Hands; if not, then ſo much as ſhall be in their Hands, and the Reſidue, when they ſhall receive ſo much for the Uſe of ſuch School. *Ibid.* §. 20.

6. In caſe the Adminiſtrator ſhall be obliged to pay any farther Debts, *&c.* of the Deceaſed; ſuch legal Repreſentative, receiving the Reſidue, ſhall be obliged to refund to ſuch Adminiſtrator, the Value of what he ſhall be obliged to pay as aforeſaid: Provided it doth not exceed the Reſidue received. *Ibid.* *See alſo* 1719, *ch.* 14, §. 6, *which directed Security to be given for ſuch Refunding.*

7. For preventing and detecting the Concealment of any Part of the Eſtate of the Deceaſed, by Widows and Others having Effects in their Hands, who deſignedly ſuffer others to adminiſter, *&c.* The Commiſſary-General, on Information thereof, ſhall cauſe the Perſon complained of, to be examined on Oath before him or his Deputy, for the Diſcovery of ſuch concealed Effects; and on ſuch Diſcovery, and Refuſal or Delay to deliver or make Satisfaction for the ſame, ſhall iſſue Attachment againſt the Concealer, to oblige Compliance. 1719, *ch.* 14, §. 7.

See *Orphans*, 1, 2.

INVASION. See *Militia*, 7. *War*, 3.

INVENTORIES.

Inventories ſhall be exhibited by Adminiſtrators and Executors, within Three Months after Adminiſtration granted, of the Perſonal Eſtates of Perſons deceaſed. 1715, *ch.* 39, §. 3.

See *Adminiſtrators*, 1, 2, 3, 13. *Deputy-Commiſſary*, 4. *Guardians*, 14.

JOURNALS OF ASSEMBLY.

1. The Clerk of the Council, and Clerk of the Houſe of Delegates, ſhall tranſmit into the Secretary's Office, within Two Months after the End of each Seſſion, fair Tranſcripts of the reſpective Journals of the Two Houſes. 1715, *ch.* 25, §. 6.

2. The Clerk, making Default herein, ſhall forfeit 500 lb Tobacco for each Offence: One Half to the Support of Government, the other Half to the Perſon ſuing for the ſame. *Ibid.*

IRISH SERVANTS.

1. Importers of *Iriſh* Servants, by Land or Water, (unleſs imported in Country Bottoms; ſee *Country Bottoms*; 2,) ſhall pay to the Naval Officer, where Entry is made, Twenty Shillings Sterling per Poll, towards defraying the Charges of the Public; on Penalty of Five Pounds Sterling per Poll for every ſuch Servant concealed at the Time of Entry. One Half to the Uſe aforeſaid, the other to the Informer. 1715, *ch.* 36, §. 7.

2. But no Duty or Impoſition ſhall be paid on Importation of any Proteſtant or Proteſtants from *Ireland* or elſewhere, into this Province. 1732, *ch.* 23.

3. All Perſons importing *Iriſh* Servants, being Papiſts, into this Province, by Land or Water, ſhall pay to the Naval Officer, at the Time of their Entry, the additional Sum of 20*s.* Currency, over and above the 20*s.* Sterling per Poll, impoſed by the Act of 1715, *ch.* 36. *See* Art. 1; on Penalty of 5*l.* Currency for every ſuch Servant concealed at the Time of Entry: One Half to the defraying of the Public Charge, the other Half to the Informer: Which additional Duty ſhall be applied towards the Encouragement of One Public School in each County, to be divided into equal Shares. 1717, *ch.* 10, §. 1 and 4.

4. For better Diſcovery of ſuch *Iriſh* Papiſts, the Naval Officers are impowered and required to adminiſter the Oaths to every ſuch *Iriſh* Servant, (except Children under Fourteen) and cauſe them to ſubſcribe the Oath of Abjuration and the Teſt. And all ſuch as

IRISH SERVANTS,
shall refuse so to do shall be deemed Papists, for whom the additional Duty shall be paid. *Ibid.* §. 2.
5. *Irish* Servants, being Papists, imported in Country Bottoms, are declared liable to the additional Duty imposed by the Act of 1717, *ch.* 10, (see *Art.* 3,) by 1728, *ch.* 8, §. 4, 5.
6. No Person importing any Servants shall be liable to pay Duty for such of them as shall die, or be exported before Sale, provided such Death or Exportation shall happen within Three Months after such Importation; and that the Owner make Oath before the Naval Officer, That such Servants, so Exported or Dead, are part of those Imported or made Entry of. 1735, *ch.* 6, §. 1, 2.
IRON OLD. See *Hides.*

IRON-WORKS.
1. Persons, desirous of setting up a Forging-Mill, *&c.* for carrying on Iron-Works upon any Land, not before cultivated, next adjoining to any Run of Water, not being the Estate of Inheritance of such Undertakers, nor leased to them for setting up an Iron-Work thereon, may purchase a Writ of *Ad quod Damnum*, out of Chancery. *(See the Form in the Act.)* 1719, *ch.* 15, §. 2.
2. Upon Return of which Writ, if the Persons found upon Inquest to be the true Owners, shall refuse to build such Forge-Mill, *&c.* thereon within Six Months, and give Security to finish the same within Four Years after laying the Foundation, his Lordship, or his Governor, may grant any such Hundred Acres of Land, together with free Egress and Regress to the said Mill, through any Man's Land next adjoining. The Damage found to be paid to the Owner of the Land; and the Grant to be good in Law to the Grantee against all Persons whatsoever. *Ibid.*
3. But before such Grant be made, the Grantee shall give Bond to his Lordship, with Two Sureties, in the Sum of 100*l.* Sterling, with Condition to begin to build such Forge-Mill, *&c.* within Six Months, and the same to finish within Four Years after. *Ibid.* §. 3.
4. For better Encouragement of Undertakers, all Workmen or Labourers by them constantly employed in such Works, shall be Levy-free for Four Years after being employed therein; provided the Number do not exceed Eighty for any One Iron-Work. *Ibid.* §. 4.
5. But if Pig-Iron, fit for Transportation, be not Run at such Iron-Works within Seven Years from the Grant, the Lands shall revert to the Owners as if no such Writ had ever been obtained; without their being obliged to return any Part of the Purchase Money. *Ibid.* §. 5.
6. No White Man, employed in any Manner about Iron-Works, shall be obliged to attend Musters, except upon very extraordinary Occasions. 1732, *ch.* 17, §. 2.
7. Any Ordinary-keeper, *&c.* harbouring or entertaining any Persons hired or employed in any Manner about any Iron-Work, or giving them Credit for Liquor above the Value of 5*s.* Currency in any One Year, without Leave in Writing from the Owner or Chief Manager of such Work, shall be liable to the Penalties provided against harbouring, *&c.* Sailors by the Act of 1712, *ch.* 10. And any Person, so entertained, (being a legal Witness) shall be admitted as an Evidence in such Case. *Ibid.* §. 4, 5.
8. Owners, *&c.* of Iron-Works shall, at all Times, suffer One out of every Ten labouring Persons, belonging to, or employed in such Works, to assist in clearing, mending, and repairing Highways, *&c.* in such Manner as other Male Taxables are compelled to do by the Act of 1704, *ch.* 21, and subject to the Penalties in the said recited Act, (to be recovered and applied according to the Directions of the Act of 1723, *ch.* 17.) 1750, *ch.* 14. See also, 1732, *ch.* 17, §. 2, 3; and 1736, *ch.* 17.
See *Highways*, 14.

ISLANDS. See *Inclosures*, per Tot. *Rangers*, 5.
ITINERANT CHARGES. See *Jurors*, 14. *Provincial Court*, 1. *Witnesses*, 7, 12.

JUDGE OR JUSTICE.
The Oath of a Judge or Justice (directed by this Act) shall be taken, *mutatis mutandis*, by the Members of the Court of Appeals, (as Judges to correct Errors in Judgment, *&c.*) the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of *Annapolis* for the Time being, as their proper Oath of Office; to be administered as hath been heretofore used. Nor shall they be capable of acting in their several Stations without having first taken the said Oath. 1732, *ch.* 5.
See *Lord Proprietary*, 11.
JUDGMENT. See *Limitation of Actions*, 6. *Specialties*, 2.

JUDGMENT BONDS.
No Attorney, or other Person whatsoever, shall confess Judgment, either in Court, or before One or more Magistrates out of Court, for any Sum of Money or Tobacco, *&c.* by virtue of any Power of Attorney, either separate or contained in any Judgment Bond. Nor shall any Court give Judgment on any such Bonds, by Virtue of such Powers. 1747, *ch.* 23, §. 2.
JUDICIAL PROCEEDINGS. See *Lord Proprietary*, 7—9.
JURIES. See *Jurors*, per Tot. *Orphans*, 10, 14.
JURISDICTION. See *Advancement of Justice*, 4. *Annapolis*, 13. *Bills of Exchange*, 1. *Chancery*, 1. *Counties*, 4. *Discount in Bar*, 3.

JURORS.
1. The Sheriffs of the several Counties shall cause to come before the Provincial Court, Two of the best and most understanding Freeholders out of each respective County, to serve as Grand Jurors, and Three like good and lawful Men, to serve as Petit Jurors, at every Provincial Court, and return Pannels accordingly; giving Twenty Days Notice to such Jurors before the Day of their Appearance. And the Sheriff, making Default herein, shall be fined 1000 ℔ Tobacco by the Provincial Court, for the Support of Government. 1715, *ch.* 37, §. 1.
2. The Sheriffs shall cause to come before their respective County Courts, a sufficient Number of good and lawful Freeholders of their several Counties, to serve as Jurors at the several County Courts, giving them Ten Days Notice, *&c.* and return Pannels accordingly. And the Sheriff, making Default herein, shall be fined 500 ℔ Tobacco by the County Court, for the Support of Government. *Ibid.* §. 2.
3. Freeholders, so summoned and returned to serve as Jurors, at the Provincial Court, making Default of Appearance, shall be fined 1000 ℔ Tobacco by the Provincial Court; and, for the like Default of Appearance at the County Court, shall be fined by such Court 500 ℔ Tobacco, for the Support of Government. *Ibid.* §. 3.
4. Magistrates, Delegates, Coroners, School-Masters, Overseers of Highways, and Constables, are exempt from Attendance as Jurors. *Ibid.* §. 4.
5. Every Provincial Grand Jury shall be allowed, not exceeding 3000 ℔ Tobacco; to be paid in the Public Levy. *Ibid.* §. 6. *But see below*, Art. 13.
6. Every County Grand Jury shall be allowed, not exceeding 500 ℔ Tobacco; to be paid out of the County Levy. *Ibid.* §. 7.
7. Every Petit Juror, attending the Provincial Court, shall be allowed 30 ℔ Tobacco for every Day's Attendance, to be paid in the Public Levy; besides the 120 ℔ Tobacco to be allowed every full Jury that shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed him in the Bill of Costs. And the Clerk of the Provincial

I N D E X.

JURORS.

vincial Court ſhall lay a Liſt of Petit Jurors, their Days of Attendance, and the Counties they were returned for, before the Committee for laying the Public Levy, yearly, on Penalty of 600 lb Tobacco, for the Support of Government. *Ibid.* §. 8. *But ſee below*, Art. 11, 12.

8. No Perſon ſhall ſerve as a Petit Juror in any Court wherein he hath any Iſſue depending for Trial during the ſame Sitting. *Ibid.* §. 9.

9. The Sum of 120 lb Tobacco, (*but ſee below*, Art. 11, 12,) or 12*s.* in Money, ſhall be paid to every Jury ſworn in any Cauſe, whether in the Provincial or County Courts, and no more. And any Suitor convict of giving more, ſhall, for ſuch Offence, if to a Juror in the Provincial Court, forfeit 6000 lb Tobacco, or under, at the Diſcretion of the Court; if in the County Courts, 2000 lb Tobacco, or under, at the Diſcretion of the Court. One Half to the Uſe of the County Schools, the other to the Informer, if on Indictments or Actions Criminal; if otherwiſe, to the Party grieved. 1719, *ch.* 3, §. 2.

10. Every Petit Juror, ſummoned to the County Court, ſhall be allowed 15 lb Tobacco for each Day's Attendance, to be paid by the County; over and above the 120 lb Tobacco, or 12*s.* in Money, to each Jury for each Cauſe. *Ibid.* §. 3.

11. Every Petit Juror, ſummoned to attend the Provincial Court, ſhall be allowed, in Lieu of all Allowances by any former Act, 48 lb Tobacco for every Day he ſhall attend the ſaid Court, in the Public Levy, to be paid in the County where he reſides; beſides 96 lb Tobacco to every full Jury who ſhall paſs their Verdict in any Cauſe, to be paid by the Party for whom ſuch Verdict ſhall paſs, and be allowed in the Bill of Coſts, as uſual, and no more. 1760, *ch.* 16, §. 2.

12. In caſe a Jury be ſworn and charged in any Cauſe, and be ready to give their Verdict therein, but the Plaintiff ſhall refuſe to appear to ſuch Verdict, and becomes Non-ſuit, the Jury ſhall be allowed the ſaid Quantity of 96 lb Tobacco, to be paid by the Defendant, and allowed in his Bill of Coſts againſt the Plaintiff. *Ibid.* §. 3.

13. The Juſtices of the Provincial Court ſhall allow the Grand Jurors, for every Court they attend, any Quantity not exceeding 6000 lb Tobacco; to be allowed in the Public Levy, and paid in the reſpective Counties where they reſide. *Ibid.* §. 4.

14. Every Grand and Petit Juror, attending the Provincial Court, ſhall be allowed over and above the Allowances aforeſaid, for ſo many Days itinerant Charges as the Juſtices ſhall think reaſonable, at the Rate of 48 lb Tobacco per Day; to be allowed and paid as aforeſaid. *Ibid.* §. 5.

15. The ſaid Allowances are payable in Current Money, at 12*s.* 6*d.* per Cent, in the ſame Manner as the Public and County Levy. *Ibid.* §. 7.

See *Indians Lands*, 16.

JUSTICES OF ASSIZE;

——Shall give it in Charge to the Grand Juries, to enquire, Whether the County Courts duly execute what is required of them by the Teſtamentary Laws? 1729, *ch.* 24, §. 5.

K.

KEEPER of the Great Seal. See *Paſſes*, 1, 3.
KILLING of Slaves. See *Negroes*, 31, 44, 45.
KINDRED. See *Adminiſtrators*, 9. *Inteſtates Eſtates. Widows*, 2, 3.

L.

LANDINGS. See *Harbours*, 2.
LANDS. See *Boundaries. Certificate Lands. Indians Lands.*

LAWS OF GREAT-BRITAIN. See *Prerogative Court*, 1. *Schools*, 3, 20.
LAWYERS. See *Attorneys.*
LAY-READERS. See *Church of England*, 1. *Veſtry*, 26.
LEGATEES. See *Adminiſtrators*, 15. *Adminiſtration Bonds*, 1.
LETTERS OF ADMINISTRATION. See *Deputy-Commiſſary*, 1—3.

LETTERS PRIVATE.

Perſons breaking open any Private Letter, without ſpecial Licence from the Perſon to whom directed, ſhall ſuffer Six Days Impriſonment, and forfeit 5*l.* Sterling; one Half to the Support of Government, the other Half to the Informer. 1713, *ch.* 2, §. 8.

LETTERS PUBLIC.

1. The Sheriff of each County ſhall take Care of, and expeditiouſly convey, all Public Letters to the Sheriff of the next adjacent County, and ſhall have Allowance for the ſame (*for which ſee the Act*). Which Allowance ſhall be in Lieu of all Charges accruing by the Conveyance of Public Letters. 1713, *ch.* 2, §. 2, 3.

2. All Public Letters and Packets, ſhall be endorſed *For her Majeſty's Service*, and with the Sender's Name. And Perſons ſo endorſing any Letters which are not for the Public Service, ſhall forfeit 500 lb Tobacco. *Ibid.* §. 4.

3. All Letters directed to the Governor, endorſed *For her Majeſty's Service*, and all Letters ſent by him to any Perſon having his, or the Clerk of the Council's Name endorſed, and *For her Majeſty's Service*; all Letters ſent by any Member of the Council, by the Speaker or Clerk of the Houſe of Delegates, by a Provincial Juſtice, or by the Public Treaſurers of each Shore, to any Naval Officer, with the Subſcriber's Name, and *For her Majeſty's Service* endorſed, ſhall only be accounted Public Letters. *Ibid.* §. 5.

4. Any Sheriff or his Deputy, on receiving any Public Letter ſhall give a Receipt (if required) ſhewing the Day and Hour when received; and may demand the like Receipt from the next Sheriff, or Party to whom directed, when delivered. And the Sheriff or his Deputy (for whom the High Sheriff ſhall be anſwerable) refuſing to give ſuch Receipt when demanded, or neglecting to forward the Letter delivered, ſo as the ſame be delayed 24 Hours longer than need be, ſhall forfeit 2000 lb Tobacco in Caſk; one Half to the Support of Government, the other Half to the Perſon ſuing for the ſame. *Ibid.* §. 6.

5. Perſons legally convict of breaking open any Public Letter, ſhall ſuffer two Months Impriſonment, and forfeit 20*l.* Sterling, to be divided as aforeſaid. *Ibid.* §. 9. See *Inſpectors*, 7.

LEVIES.

1. The Commiſſioners of the ſeveral County Courts, are impowered to levy their reſpective County Charges, and the Sheriff's Salary for collecting thereof, by an equal Aſſeſſment on the Taxables. 1704, *ch.* 34, §. 1.

2. The ſeveral County Clerks ſhall keep an Account of the Levy, and tranſmit a Copy thereof yearly, before the 10th *March*, to the Governor and Council, under the County Seal, on Penalty of 1000 lb Tobacco for every neglect of tranſmitting ſuch Copy; one Half to the Support of Government, the other Half to the Informer. *Ibid.* §. 2, 3.

3. The Words [*Public Charges of their reſpective Counties*] in the Act of 1704, *ch.* 34, are declared not to extend to any other Purpoſes than the ordinary, uſual and neceſſary Charges ariſing annually in the ſeveral Counties. 1748, *ch.* 20, §. 1, 2.

4. The ſeveral County Courts ſhall not levy above 10,000 lb Tobacco at any one Time, for the compleat Repairing of any one County Court Houſe. *Ibid.* §. 3.

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5. Nor above 6000 ℔ Tobacco at any one Time, for the neceſſary Repairs of any one County Priſon. *Ibid.*

6. Nor above 8000 ℔ Tobacco at any one Time, for the compleat Repairing of any one Bridge. *Ibid.*

7. Nor above 20,000 ℔ Tobacco for the erecting and building any one New Bridge, in any one County. *Ibid.*

8. Where any larger Sums are adjudged neceſſary for any the Purpoſes aforeſaid, the County Juſtices ſhall not levy the ſame, without Leave of the General Aſſembly. *Ibid.*

9. The Inhabitants may pay the ſaid ſeveral Sums for the Uſes aforeſaid, in Current Money, in the ſame Manner as they are enabled to diſcharge the Public or County Levy. *Ibid.* §. 4.

10. No Sheriff allowed any Fee, for Executing for any Public or County Levies, *&c.* 1724, *ch.* 21, §. 2.

11. Tobacco in Diſcharge of Public and County Levies, may be paid in Inſpectors Notes, at any Warehouſe within the County; Parochial Charges and Clergy's Allowance, at ſome Warehouſe within the Pariſh; Officers and Attorneys Fees, at ſome Warehouſe within the County where the Debtor reſides: And if any County or Pariſh be without a Warehouſe, then the aforeſaid Dues to be paid at ſome Warehouſe in the next adjacent County or Pariſh. But no Notes of the preceding Year, ſhall paſs in ſuch Payment. 1763, *ch.* 18, §. 21.

12. On laying the Levies, there ſhall be levied Six per Cent for the Sheriff; who is impowered to retain the ſame in his own Hands. *Ibid.* §. 22.

13. Inſtead of 40 per Poll allowed the Clergy, by the Act of 1702, *ch.* 1, §. 3, there ſhall be levied no more than 30 per Poll on the Taxable Inhabitants of their reſpective Pariſhes; which ſhall be paid in Inſpectors Notes in their ſeveral Pariſhes: Or if no Inſpecting Houſe be therein, then at the next adjacent Warehouſe. For which the Sheriff ſhall retain in his own Hand 5 per Cent. *Ibid.* §. 23.

14. Ten per Cent out of the Public and County Levies ſhall be allowed when paid in Tobacco. *Ibid.* §. 25.

15. At the laying of Levies with which the Public and ſeveral Counties are chargeable, by virtue of former Acts, a Deduction of one Fifth out of the Tobacco ſhall be made; and the remaining four Fifths, and Officers Fees as regulated by this Act, and all other Public and County Dues and Allowances, and Parochial Charges, ſhall be payable in Gold and Silver, as regulated by this Act *(ſee below,* Art. 28.) Provided ſuch Payment be made by the 10th *April* yearly. *Ibid.* §. 27.

16. Sheriffs ſhall comply with the Act of 1742, *ch.* 7, ſo far as relates to Diſcount, making out, *&c.* Liſts of Levies, and of the Money paid, or Certificates returned by ſuch as make no Tobacco, Attendance to receive the Dues, and proportionable Payment thereof in Money or Tobacco to Public Creditors. *Ibid.* §. 28.

17. All Levies, Parochial Charges, Fees, and Clergy's Allowance, payable in Tobacco, ſhall be ſatisfied by Inſpectors Notes to the Sheriffs, before the 10th *June* yearly: And, if not paid within that Time, the Sheriffs may diſtrain the Goods, *&c.* of the Perſons neglecting or refuſing ſuch Payment, and ſell the ſame within Five Days, for Tobacco or Gold and Silver (as the Caſe may be) at Public Auction; returning the Overplus (if any) to the Debtor, without Fee. *Ibid.* §. 30.

18. Perſons indebted for Levies, *&c.* refuſing to ſhew Tobacco or Goods to the Sheriff to be diſtrained, may be taken in Execution. *Ibid.* §. 31.

19. Sheriffs ſhall, before the laſt Day of *June* yearly, pay the ſeveral Creditors, according to their reſpective Claims, all the Inſpectors Notes or Money they have received in Satisfaction thereof. Or, on Refuſal or Delay of Payment, if required, ſhall forfeit double the

Value to the Party grieved with Coſts, if ſuch Party ſues the Sheriff only; but if he ſues the Sheriff's Bond, then he ſhall recover thereout only Debt, Intereſt, and Coſt. *Ibid.*

20. Perſons not making Tobacco by themſelves, Servants or Slaves, may (having firſt taken the Oath preſcribed in this Section) pay off, at or before the 10th *April* yearly, as well the Poll-Tax due to the Clergy, as all Lawyers and Officers Fees, and Aſſeſſments for Building or Repairing Churches, in Gold and Silver, as regulated by this Act, tho' charged in Tobacco: And ſuch Payment, or Tender thereof and Refuſal, ſhall be a full Diſcharge for the ſame. 1763, *ch.* 18, §. 78, 79.

21. Perſons not making Tobacco as aforeſaid, having Taxables in different Counties, may make Oath thereof, before any Magiſtrate in the County where they reſide; and a Certificate thereof from the ſaid Juſtice, ſhall be ſufficient for the Sheriff in any different County, to receive Gold and Silver in Lieu of Tobacco, for ſuch Taxables. *Ibid.* §. 80.

22. Inhabitants of *Frederick* County, above *Conococheague*, may make the Oath above required, before either a Juſtice of the ſaid County, or the Sheriff or any of his Deputies: And a Certificate thereof, ſigned both by the Perſon taking and the Perſon making the Oath, being delivered to the Sheriff or his Deputy, ſuch Sheriff or his Deputy ſhall give a Receipt for the ſame, to the Perſon making ſuch Oath, *&c.* *Ibid.* §. 140.

23. No Sheriff, *&c.* ſhall take from, or execute any Perſons not making Tobacco, or their Goods and Chattels, for the Poll-Tax due to the Clergy, Lawyers or Officers Fees, Aſſeſſments for building or repairing Churches, or for Public or County Levies, in any other Manner than for Gold and Silver, at the Rates of Tobacco mentioned in this Act, notwithſtanding ſuch Perſons ſhall fail in making ſuch Payment before the 10th *April* yearly. *Ibid.* §. 81.

24. Provided ſuch Perſons, not making Tobacco as aforeſaid, ſhall make Oath, *&c.* as before directed, and lodge a Certificate thereof with the Sheriff, at or before the 10th *April* yearly; the Party lodging the ſame taking a Copy thereof from the Sheriff, which Copy ſhall be a Proof of its being ſo lodged. *Ibid.* §. 82.

25. Perſons, ſo making Oath, *&c.* not paying the Clergy's Poll-Tax, Fees, Aſſeſſments, or Levies, before the 10th *June* yearly, may be executed for the ſame after the ſaid 10th *June*, in Gold or Silver, *&c.* as regulated in Tobacco as aforeſaid. *Ibid.* §. 83.

26. Perſons making Tobacco, may pay what Tobacco they make in One Year towards the Diſcharge of the aforeſaid Dues, Fees, *&c.* to be divided proportionably among the Public Creditors, and the Remainder in Gold and Silver; they firſt making Oath, *&c.* That they have not, by themſelves, or their Children, Servants or Slaves, made more Tobacco than what they have already paid, *&c.* Such Perſons paying the ſame by the 5th *April* yearly, and alſo paying on the 10th *June*, yearly, in Gold or Silver as aforeſaid, the Reſidue which the Tobacco ſo paid ſhall be inſufficient to diſcharge. *Ibid.* §. 84 and 85.

27. Sheriffs, at any Time between the laſt Day of *February* and 10th of *June* yearly, on Notice that any Inhabitant of their reſpective Counties (to whom Accounts had been delivered, *&c.* before the laſt Day of *February*, ſee §. 112 *of this Act)* is about to withdraw his Perſon or Effects, ſhall apply to a County Magiſtrate; who, on Oath made before him, by ſuch Sheriff or other credible Perſon, That he is informed and verily believes ſuch Debtor is withdrawn, or about to withdraw, *&c.* (which ſhall be in Writing, and by the Magiſtrate returned to the next County Court) ſhall iſſue his Warrant under Hand and Seal, impowering the Sheriff to levy the Tobacco or Money due, in the ſame Manner as he might by this Act after the 10th

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June. But, if ſuch Debtor will give good Security to the Sheriff for Payment of Levies, *&c.* at any Time before ſuch Diſtreſs and Sale made, the Sheriff is obliged to take it. *Ibid.* §. 115.

28. In Tobacco Payments under this Act, where Liberty is given to diſcharge the ſame in Gold or Silver in Lieu of Tobacco, and all Charges attending the Inſpection or Delivery out of Tobacco, and for all Penalties and Allowances in this Act mentioned, the following Species of Gold and Silver Coin, if tendered, ſhall be accepted at the following Rates. *Ibid.* §. 120. *Viz.*

	lb Tob.		lb Tob.
Johannes's, at	920	Other Gold Coin (*German* excepted) by the *dwt.*	50
Half Ditto,	460		
Moidore,	348	*French* Silver Crowns,	60
Engliſh Guinea,	272	*Spaniſh* milled Pieces of Eight,	60
French Ditto,	268		
Spaniſh Piſtoles, not lighter than 4*dwt.* 6 *gr.*	216	Other good Coined *Spaniſh* Silver, per Ounce,	68
French milled Piſtoles,	212		
Arabian Chequins,	108		

See *Inſpectors*, 41, 42. *Iron-Works*, 4. *Taxables*, per Tot. *Warehouſes*, 12.

LEWD WOMEN. See *Fornication.*

LICENCES. See *Marriage.*

LIMITATION OF ACTIONS.

1. All Actions of Account, (except ſuch Accounts as concern Trade between Merchant and Merchant, their Factors and Servants, who are not Reſidents here) all Actions upon the Caſe, upon ſimple Contract, Book-Debt or Account, all Actions for Debt, Detinue, or Replevin for Goods and Chattels, and all Actions for Treſpaſs, *Quare Clauſum fregit*, ſhall be brought within Three Years enſuing the Cauſe of Action. 1715, *ch.* 23, §. 2.

2. All Actions on the Caſe for Words, and Actions of Treſpaſs, of Aſſault, Battery, Wounding and Impriſonment, ſhall be brought within One Year from the Time of the Cauſe of ſuch Action. *Ibid.*

3. Except Infants, *Femme Coverts*, *Non Compos Mentis*, Impriſoned, or Beyond Sea, at the Time of the Cauſe of ſuch Action, who ſhall be at Liberty to bring ſuch Actions within the reſpective Times limited after their coming to full Age, ſound Memory, at Large, or Return from beyond Seas. *Ibid.* §. 3.

4. No Perſon abſenting himſelf from this Province, or removing from County to County, after any Debt contracted, ſo as Creditors may be at Uncertainty of finding out ſuch Perſons, or their Effects, ſhall have any Benefit of ſuch Limitation. *Ibid.* §. 4.

5. But Nothing in this Act ſhall prejudice Perſons removing from one County to another, for their Convenience, or any Perſons leaving the Province for the Time in this Act limited, having Effects ſufficient and known in the Hands of ſuch as will aſſume Payment of their juſt Debts to their Creditors. *Ibid.* §. 5.

6. No Bill, Bond, Judgment, Recognizance, Statute Merchant, of the Staple, or other Specialty, (except to the Uſe of his Majeſty, his Heirs or Succeſſors) ſhall be good and pleadable after the Principal Debtor and Creditor have both been Dead Twelve Years; or the Debt or Thing in Action above Twelve Years ſtanding. Saving to Perſons under the Impediments of Infancy, Coverture, Inſanity of Mind, Impriſonment, or being Beyond Sea, the full Benefit of all ſuch Bills, *&c.* for Five Years after ſuch Impediment removed. *Ibid.* §. 6.

7. All Actions upon Adminiſtration and Teſtamentary Bonds, ſhall be commenced within Twelve Years after paſſing ſuch Bond. Saving to Infants, *&c.* a Right of bringing ſuch Actions within Five Years after the Diſability removed. 1729, *ch.* 24, §. 21, 22.

8. All Actions on Sheriffs Bonds, ſhall be brought within Five Years after paſſing the Bond. Saving to

the Crown, and the Lord Proprietary, the Right of ſuing, in their own Right, at any Time: And, to Infants, *&c.* the Liberty of bringing ſuch Actions within Two Years after the Impediment removed. 1729, *ch.* 25, §. 4, 5.

See *Adminiſtration Bonds*, 3, 6. *Bankrupts*, 5. *Blaſphemy*, 4. *Curſing*, &c. 10. *Naval Officers*, 8.

LIQUORS. See *Indians*, 1, 2, 4. *Sabbath Breaking*, 2.

LIQUORS IMPORTED.

1. Importers of Rum, Brandy, Spirits or Wine, by Water into this Province, ſhall pay to the Naval Officer, at the Time of Entry, 3*d.* per Gallon, to be applied towards defraying the Public Charges of this Province. Liquors imported from *Great-Britain* always excepted. 1715, *ch.* 36, §. 9.

2. No ſuch Liquor ſhall be Landed before Entry thereof be made with the Officer, upon Oath of the Importer, or before the Duty be paid or ſecured, and a Warrant for Landing thereof be ſigned by the Officer: On Forfeiture of all ſuch Liquors Landed contrary to the Intent of this Act, or the Value thereof. One Half towards paying the Public Charge, the other to the Informer. *Ibid.* §. 10.

3. For the Encouragement of Maſters of Ships, Merchants, *&c.* to make due Entry and Payment, the Naval Officer is impowered to allow 20 per Cent for Leakage, *&c.* *Ibid.* §. 11.

4. Naval Officers, on Suſpicion of Concealment, are impowered to enter any Ships, Houſes, Warehouſes, *&c.* and to ſeize, *&c.* all ſuch Liquors for which the Duty is not paid or ſecured. And all Officers, Civil and Military, of this Province, and all Maſters and Officers of Ships are required to be aiding and aſſiſting therein. *Ibid.* §. 12.

5. Maſters of Ships, on Entering their Veſſels, ſhall render an Account, upon Oath, of the Quantity and Quality of all ſuch Liquors by them imported; and the Naval Officers ſhall, at the Time of ſuch Entry, take ſufficient Security for the Payment of the Duty aforeſaid. *Ibid.* §. 14.

6. Such Liquors, being Exported within Three Months after Importation, a Drawback of Three Fourths of the Duty ſhall be allowed; Oath being made before the Naval Officer by the Perſon claiming the Benefit of ſuch Debenture, That the ſaid Liquor, by him deſired to be Exported, is Part of the Rum, Brandy, *&c.* by him Imported, and made Report of as aforeſaid. *Ibid.* §. 15, 16.

7. Such Liquors, imported in Country Bottoms, are exempted from Payment of the above Duty. *Ibid.* §. 17. See *Country Bottoms.*

8. That Part of the Act of 1715, *ch.* 36, which impoſed 9*d.* per Gallon on Rum, *&c.* imported by Land from *Pennſylvania*, is repealed: But 3*d.* per Gallon for the ſame is declared to be ſtill due and payable. 1724, *ch.* 10.

9. Rum, Spirits, *&c.* imported from *Pennſylvania* by Land, ſhall be brought to *Bohemia* Landing, and no where elſe, till the Duty thereon be paid to the Naval Officer of *Cæcil* County Diſtrict; on Forfeiture of the Liquors, or their Value: One Half to the Support of Government, the other to the Informer. 1715, *ch.* 36, §. 1.

10. The Entry thereof with the Naval Officer, to be upon Oath, and 20 per Cent to be abated for Leakage. *Ibid.* §. 2.

11. Importers, putting ſuch Liquors on board any Veſſel in the Bay, *&c.* before Duty paid, forfeit the ſame, or their Value. *Ibid.* §. 3.

12. After Entry, and Duty paid, the Naval Officer ſhall give a Permit to carry the ſame to any Place of this Province for Sale. *Ibid.* §. 4.

13. The Naval Officer of *Cæcil* County Diſtrict ſhall account for the ſaid Duty with the Public Treaſurer

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LIQUORS IMPORTED.

surer of the Eastern Shore; and the said Treasurer with the Assembly. And the said Naval Officer shall make Oath, to use his utmost Power to cause this Act effectually to be put in Execution: And a Certificate of such Oath taken, shall be entered in the Council Book. *Ibid.* §. 6.

14. Every Naval Officer, before Entry of any Rum, Wine or Spirits liable to Duty, shall require and receive an Invoice (upon Oath of the Person applying to make Entry thereof) of the Quantity of Wine Gallons which the Cask then imported Gauge, together with their Marks and Numbers. 1735, *ch.* 6, §. 4.

15. Persons presuming to land any such Liquors from on board any Vessel in this Province, *&c.* before Invoice delivered and Entry made as aforesaid, shall forfeit the same, or the Value: One Half to the Support of Government, the other to the Person seizing or suing for the same. *Ibid.*

See *Country Bottoms*, 2.

LITURGY. See *Church of England. Vestry*, 26.

LIVERY AND SEIZIN:

——Not necessary where Sales and Grants of any Lands, *&c.* are made by Deed indented and inrolled according to Law. 1715, *ch.* 47, §. 3.

LORD PROPRIETARY.

1. His Lordship's just Title and Right to this Province, as true and Absolute Proprietary thereof by the Charter, Recognized and Acknowledged; together with all his Lordship's Royal Rights, Jurisdictions, Authorities, and Preheminences granted thereby, so far as they do not in any Sort infringe or prejudice the just and lawful Liberties or Privileges of the Free-born Subjects of *England*. 1650, *ch.* 23.

2. All Debts due to the Lord Proprietary, or his Heirs, shall be paid and satisfied, within the Province, before any other Debts. 1650, *ch.* 28.

3. All Fines, Forfeitures and Penalties, which by former Provincial Laws are made payable to, or recoverable by the King, or in his Majesty's Name, shall henceforward be payable to the Lord Proprietary, his Heirs and Successors; and recoverable by him or them, in his or their Name, to the same Uses as by those Laws are expressed. 1716, *ch.* 3, §. 2.

4. Where such Fines are appropriated to the Support of Government, his Lordship's Government of this Province shall be thereby understood, and no other. *Ibid.* §. 3.

5. In all Suits, Indictments, Informations, *&c.* for any such Fines, *&c.* his Lordship's Name or Title, or of his Lordship's Heirs, *&c.* shall be used instead of the Name or Title of his Majesty, as fully, to all Intents and Purposes, as if such Name or Title of his Lordship, or of his Heirs, *&c.* had been expresly mentioned in such Acts, instead of the Name or Title of the King. *Ibid.* §. 4.

6. Such Alteration of Name, Stile or Title, in such Suits, *&c.* shall not be assignable for Error therein, but all such Exceptions are hereby aided. *Ibid.* §. 5.

7. No Action, Suit, Bill, Plaint, Prosecution, or Judicial Proceedings, whatsoever, shall determine, be discontinued, or put without Day, by the Death or Demise of the Lord Proprietary, or any of his Heirs or Successors, who shall have legal Right to the Government of this Province; but the Process, Pleas, *&c.* in every such Action, *&c.* shall stand good, effectual and available, *&c.* in the same Manner, Form, State, *&c.* as if such Proprietary had continued in full Life, *&c.* 1751, *ch.* 27, §. 6.

8. All Process and Judicial Proceedings that shall hereafter be pursued in the Time of any other than the Proprietary, at the Time of the Pursuit of the original or former Process, shall be made in the Name of the Proprietary for the Time being, having legal Right to the Government, after Proclamation, *&c.* and no Variance between the Names of the Proprietaries shall be material, as to Default in the Process. *Ibid.*

LORD PROPRIETARY.

9. All Writs, Precepts, Actions, Suits, Pleas, Process, *&c.* hereafter Executed in the Name of any Proprietary, having legal Right to the Government, after the Death or Demise of such Proprietary and before due Proclamation thereof, shall be good, effectual, and available in Law, to all Intents and Purposes, such Death, *&c.* notwithstanding. *Ibid.*

10. The Commission, Power, or Authority of the Governor for the Time being, shall not be dissolved by the Death of the Proprietary; but such Lieutenant Governor shall continue and act as such, until he be lawfully removed, discharged, or his Commission superseded or determined, by the next Successor. *Ibid.* §. 7.

11. All Judges, Justices, *&c.* and other Officers, shall continue and act in their respective Offices, *&c.* notwithstanding the Death of the Proprietary, until they shall be lawfully removed, *&c.* by the next Successor, or by the Lieutenant Governor. *Ibid.*

See *Administrators*, 22. *Agents*, 2. *Gold and Silver*, 1. *Governor*, 3. *Limitation of Actions*, 8. *Port Duties*, per Tot. *Protestant Interest*, 9. *Uncertain Goods*, per Tot. *War*, 1. *Fines*, 3, 4.

LUMBER. See *Guardians*, 9.

M.

MAGISTRATES.

1. THE Courts are authorized and required to observe the Demeanor of all Practitioners of the Law before them, as well as all Ministerial Officers and Others using indecent Liberties, *&c.* and to punish the same by Suspension of such Practitioners either perpetually, or for a Time; or to Fine such Practitioners, Officers or Others, not exceeding 4000 lb Tobacco in the superior, nor 2000 lb Tobacco in the inferior Courts. 1719, *ch.* 4, §. 2.

2. Single Magistrates are, in like Manner, to observe the Demeanour of Persons coming before them, in the Execution of their Office; and in Case of indecent Behaviour towards them, or Contempt of their Authority, may inform the Court; who are impowered to call such Offenders before them, without any Formality in Law, and punish them by Fine not exceeding 1000 lb Tobacco, by Imprisonment not exceeding Two Days, or by setting in the Stocks not above Two Hours. *Ibid.* §. 3.

3. The Fines by this Act shall be applied by the Court, towards maintaining a Public School in the County where such Offence is committed. *Ibid.*

4. This Act shall not lessen the Authority heretofore vested by Law, in the several Courts. *Ibid.* §. 4.

See *Attorneys*, 1. *Cursing*, &c. per Tot. *Jurors*, 4. *Lord Proprietary*, 11. *Marriage*, 1, 2, 12. *Militia*, 2. *Tobacco Run*, 4.

MANIFEST. See *Tobacco Inspected*, 10.

MANUMISSION OF SLAVES.

1. No Person shall give Freedom to any Slaves disabled to Work, *&c.* but in all such Cases, the Owners at their own proper Cost, shall support such Slaves, during their natural Lives, in Food and Cloathing, fitting and needful. 1752, *ch.* 1, §. 2.

2. No Person by any verbal Order, Last Will, or other Writing in his last Sickness, shall give Freedom to any Slave: But every such Order, Will, *&c.* shall be void, so far as relates to such Freedom only. *Ibid.* §. 3.

3. Owners, *&c.* of Slaves, incapable of Labour thro' Age, Sickness or Accident, who shall neglect to provide necessary Food and Cloathing for such old or disabled Slaves; or who shall suffer any Slaves whatsoever, to depart from their Habitations or Quarters, and wander about Begging, so as to become burthensome to others; may, on Presentment of the Grand Jury

MANUMISSION of SLAVES.

Jury, be called before the County Court. And if it appear that such Owner did not provide necessary Food and Cloathing, or did suffer them to depart and wander contrary to this Act, such Court shall cause such Owners to enter into Recognizance to his Lordship, in the Penalty of 4*l.* Currency, to the Use of the County, to provide sufficient Food, *&c.* for such Slaves during this Act, and not suffer them to depart and wander contrary thereto. But the Running away and absconding of Slaves, shall not be construed a Departing, *&c.* within the Meaning of this Act. *Ibid.* §. 4.

4. Persons desirous to set Free any Slave, may, by Writing under Hand and Seal, evidenced by two sufficient Witnesses at least, grant such Freedom. Which Deed shall be good, so as the same be not in Prejudice of Creditors; and that such Slave, at the Time such Freedom shall take Place, be not above 50 Years of Age, and able to gain a sufficient Livelihood by Work. The Deed to be acknowledged before one County Magistrate, who shall indorse the Time of Acknowledgment, *&c.* on the Back of the Instrument; which shall be entered upon the County Records within Six Months after Date, and the Enrollment endorsed on the Instrument, under the Clerk's Hand. And an attested Copy of such Record, under Seal of the Office, shall be sufficient Evidence of such Freedom. *Ibid.* §. 5 and 6.

5. The County Courts shall give this Act in Charge to the Grand Jury at *March* Court, yearly, to enquire into any Breaches thereof. *Ibid.* §. 7.

See *Negroes*, 2.

MARINERS. See *Sailors*, per Tot. *Seafaring-Men*, per Tot.

MARKS. See *Hog-Stealing*, 1, 2. *Stray Horses*, 1, 2.

MARRIAGE.

1. No Minister, Priest or Magistrate, shall join any Persons together in Marriage, contrary to the Table of Marriages, under Penalty of 5000 ℔ Tobacco. And the Persons so intermarrying incur the like Penalty of 5000 ℔ Tobacco, to the King, *&c.* 1702, *ch.* 1, §. 4.

2. No Magistrate, being a Lay-man, shall join any Persons in Marriage, in any Parish wherein any Minister or Incumbent shall reside, having Charge of Souls therein, on Penalty of 5000 ℔ Tobacco, to the King, *&c.* *Ibid.* §. 5.

3. The Marriage Fee to be 5*s.* Sterling; provided the Parties come to Church to be Married at the Time of Divine Service. *Ibid.*

4. All Persons, desiring Marriage, shall apply to a Minister for contracting thereof, and cause due Publication to be made, according to the Rubric of the Church of *England*, at some Church or Chapel belonging to the Parish wherein the Woman is resident. 1717, *ch.* 15, §. 1.

5. If there be no Minister or Reader in the Parish, an Advertisement of such intended Marriage, shall be set up at the County Court-house Door, to remain there Three Weeks: Of which the County Clerk shall make Certificate under his Hand, and the County Seal. After which Publication and Certificate, any Minister duly qualified, may Marry the Persons so Published, according to the Liturgy of the Church of *England*. Saving to the Minister of the Parish his just Dues. *Ibid.*

6. Persons contracting Marriage without such Publication and Certificate, or without Licence from the Governor, shall forfeit 5000 ℔ Tobacco. *Ibid.* §. 2.

7. Every Minister joining such Persons in Marriage, without Publication or Licence; or any ways infringing this Act; shall forfeit 5000 ℔ Tobacco. *Ibid.*

8. One Half of which Fines to the Support of Government, the other Half to the Informer. *Ibid.*

9. Any Persons resident in this Province, who shall get their Marriage solemnized in any neighbouring Colony, (unless the Woman be resident in such Colony)

MARRIAGE.

shall forfeit 5000 ℔ Tobacco, to the Use aforesaid. *Ibid.* §. 3.

10. The Minister's Fee for a Marriage by Licence, where the Parties are married in the Parish Church or Chapel, or come to the Minister's House, shall be Ten Shillings. And in Case of Publication, where the Parties come to be married at the Minister's Dwelling House, 100 ℔ Tobacco, or Six Shillings and Eight Pence Current Money, ready Pay. The Fee for Publication is included in the Marriage Fee. *Ibid.* §. 4.

11. This Act shall not extend to Persons of Persuasions in Religion different from the Church of *England*; but the Manner of their Proceedings in Marriage, shall remain unaltered, *&c.* *Ibid.* §. 5.

12. No Minister, Pastor or Magistrate, shall, upon any Pretence join in Marriage any Negro whatsoever, or Mulatto Slave, with any White Person, on Penalty of 5000 ℔ Tobacco; one Half to the Use of Free-Schools, the other Half to the Informer. 1715, *ch.* 44, §. 25.

13. Any Free Negro or Mulatto, intermarrying with any White Person, shall become a Slave for Life (excepting Mulattoes born of White Women, who for such Intermarrying shall only become Servants for Seven Years): And any White Man or Woman intermarrying with any Negro or Mulatto, shall become a Servant for Seven Years: To be disposed of at the Discretion of the County Court, and applied towards the Support of the County School. 1717, *ch.* 13, §. 5.

See *Bigamy*. *Orphans*, 6. *Servants*, 15. *Vestry*, 14—16, 19.

MARTIAL LAW. See *War*, 2.

MARYLAND GAZETTE. See *Stray Horses*, 2. *Boats*, 3—5.

MASTERS and MISTRESSES. See *Highways*, 9.

MASTERS of SHIPS:

1. ——Shall give Bond in 3000 ℔ Tobacco, within Ten Days after their Arrival, for their complying with the Laws of this Province, during their Stay therein. 1661, *ch.* 7, §. 2.

2. ——Presuming to strike, or otherwise punish any Inhabitant, on board their Vessels, contrary to his Lordship's Peace, shall forfeit 4000 ℔ Tobacco; Half to his Lordship, and Half to the Party grieved. *Ibid.* §. 3.

3. ——Shall not be suffered to Enter their Vessels (if above 18 Foot Keel) or obtain a Permit to Trade within this Province, before they have made Oath, *&c.* before the Naval Officer, That they will not conceal, *&c.* any Servant or Slave belonging to any Inhabitants, on board their Vessels during their Stay; nor wittingly, *&c.* carry any Servant, Slave, or Person Indebted, out of this Province; common Sailors excepted. 1753, *ch.* 9, §. 2.

4. In Case of the Master's Sickness, *&c.* the Chief Mate, *&c.* may Enter the Vessel; but the Master before Clearing, shall take the Oath, *&c.* aforesaid. *Ibid.* §. 4.

5. Masters or Commanders, suffering any Servants or Slaves to frequent their Ships or Vessels, or keeping or concealing them on board, shall forfeit and pay to the Owner of such Servant, *&c.* Twenty Shillings Current Money, for every Hour such Servant or Slave shall be suffered to frequent, or be kept or concealed on board such Ship, *&c.* To be recovered in a summary Way, with Costs, before a single Magistrate. But Masters of Ships may hire any Servants, *&c.* from their Owners, to Work on Board. *Ibid.* §. 3 and 4.

For other Matters, see *Bacon*, &c. 5. *Convicts*, 1—5. *Freight of Tobacco*, per Tot. *Governor*, 1. *Inspectors*, 48. *Liquors Imported*, 1—6. *Naval Officers*, 1, 2. *Passes*, 4. *Sailors*, per Tot. *Support of Government*, per Tot. *Tobacco Inspected*, per Tot.

MASS. See *Protestant Interest*, 8.

MATCH-COATS. See *Indians*, 4, 6. *Runaways*, 4.

MATRIMONY. See *Marriage.*
MATTER IN LAW. See *Advancement of Juſtice*, 1.
MAYORS-COURT. See *Annapolis*, 20. *Conveyances*, 11.
MEASURES. See *Standard*, 4, 5.
MEETING-HOUSES. See *Diſſenters*, 1. *Quakers*, 2, 5, 7.

MILITIA.

1. Every Colonel, Lieut. Colonel, Major, or Captain of Horſe or Foot, commiſſioned by the Governor, ſhall have Power to inliſt ſuch and ſo many Inhabitants of this Province, (not hereafter excepted) in their ſeveral Diviſions, between Sixteen and Sixty Years of Age, as they ſhall think fit, by as equal Proportions of the ſaid Inhabitants as they poſſibly can, to be of the Militia or Trained Bands of this Province: Whom they ſhall Muſter and Train at ſuch Times and Places as they ſhall think fit, and as the Service, *&c.* of the Province ſhall require; or, as the Governor, *&c.* ſhall ſee Cauſe to Order. 1715, *ch.* 43, §. 1.

2. Miniſters, Delegates, Magiſtrates and Conſtables, are exempted (during their Office) from ſerving in the Militia. But ſuch Exemption ſhall not extend to diſcharge ſuch as have accepted any Military Commiſſion from the Duties therein mentioned. *Ibid.* §. 5 and 6.

3. All Negroes and Slaves are exempted from Training or other Military Service. *Ibid.* §. 7.

4. No Servants ſhall be inliſted in the Militia, unleſs upon ſuch Emergency as ſhall be judged proper by the Field Officers of the County. 1733, *ch.* 7, §. 11.

5. No Member of his Lordſhip's Council, and of the Upper Houſe of Aſſembly, ſhall be obliged to ſerve in the Militia. *Ibid.* §. 15.

6. The Pay of the Militia, per Calendar Month, when on actual Service, and no longer, ſhall be as followeth; *viz.*

Foot.	℔ Tob.
Majr Genl. Chief Commander in the Field, -	3000
Colonel, - -	2000
Lieut. Colonel, -	1500
Major, - - -	1200
Captain, - - -	1000
Lieutenant, - -	700
Enſign, - -	600
Serjeant, Corporal, and Drummer, each, - -	400
Private Soldier, -	300

1715, *ch.* 43, §. 8.

Horſe.	℔ Tob.
Colonel, - -	2300
Lieut. Colonel, -	1800
Major, - - -	1500
Captain, - - -	1300
Lieutenant, -	1000
Cornet, - - -	900
Qr. Maſter, Corporal and Trumpeter, each, -	700
Private Trooper, -	600

Ibid, §. 9.

7. Whenever it ſhall appear neceſſary to the Governor and Council to raiſe Forces for ſuppreſſing any Foreign Invaſion, or Domeſtic Inſurrection or Rebellion, or any War with *Indians*, all neceſſary Charges of ſuch War, and Soldiers Pay, as aforeſaid, ſhall be paid by a Public Levy on the Taxables of this Province, by their Repreſentatives in General Aſſembly, or out of the Public Treaſure, and no otherwiſe. *Ibid.* §. 10.

8. All Soldiers employed in the Public Service ſhall be paid in their own Counties. *Ibid.* §. 19.

9. The Booty, Prize, Pillage, or Plunder of any *Indian*, or other Priſoner in War, ſhall belong to the Officer or Soldier who ſhall ſeize the ſame. *Ibid.* §. 14.

10. Every Perſon adventuring his Life as a Soldier in any War, or Defence of the Province, and happening therein to be maimed, hurt, *&c.* ſhall receive a yearly Penſion out of the Public Levy, during his Diſability of getting a Livelihood. *Ibid.* §. 15.

11. The Widow of every Perſon ſlain in the Provincial Service, ſhall be allowed a competent Penſion, during her Widowhood; and the Children till they be of Age to get their Living, or to be put out Apprentices: To be yearly paid out of the 50,000 ℔ Tobacco to be raiſed as in this Act is provided. *Ibid.* See *Small Provincial Charges.*

MILITIA.

12. Any Perſon (except as before excepted, *Art.* 3, 4, 5,) preſſed or inliſted in this Province, who, upon any Foreign Invaſion, ſhall (upon Command of his Officer, being a Captain at the leaſt) obſtinately refuſe to ſerve in Arms for the Defence of the Province, ſhall, on Certificate of ſuch Refuſal, under ſuch Officer's Hand, directed to the next Juſtice, be brought by Warrant of ſuch Juſtice, before ſome Magiſtrate of the County, there to render ſufficient Excuſe for ſuch Refuſal. And, if the Magiſtrate ſhall not find ſuch Excuſe reaſonable, he ſhall Commit ſuch Perſon till he finds ſufficient Security for his Appearance at the next Provincial Court; and, if convicted there, he ſhall be fined and impriſoned at the Diſcretion of that Court. *Ibid.* §. 16.

13. Any Colonel, Lieut. Colonel, or Major, Commiſſioned by the Governor, *&c.* or any Two or more of them, ſhall have the ſame Powers in the Execution of any Militia Laws, as the Colonel, *&c.* intended by thoſe Laws: Provided the Number of ſuch acting Officers be the ſame as directed by thoſe Laws for ſuch Purpoſe. 1733, *ch.* 7, §. 2.

See *Independent Companies. Muſters. Preſs-Maſters. Public Arms. Troopers.*
MILL-DAMS. See *Water Mills*, 6, 7.
MILLERS. See *Water Mills*, 5.
MILLS. See *Water Mills*, per Tot.

MINISTERS.

1. For the Encouragement of Faithful and Able Miniſters to come and reſide in the Province, a Tax of 40 ℔ Tobacco, per Poll, *(but ſee below*, Art. 9,) ſhall annually be levied on every Taxable Perſon in each Pariſh, and paid to the Miniſter (having no other Benefice to officiate in) preſented, inducted, or appointed by the Governor or Commander in Chief. 1702, *ch.* 1, §. 3.

2. The Miniſter ſhall keep a Pariſh Clerk, and pay ſuch Clerk 1000 ℔ Tobacco yearly. *Ibid.*

3. The Sheriff ſhall collect the 40 per Poll, in the ſame Manner, and by the ſame Authority as the Public and County Levies are collected; and ſhall pay the ſame to the Incumbent of each Pariſh. *Ibid.* §. 6. And ſhall have 5 per Cent for collecting. 1715, *ch.* 24, §. 4. *See below*, Art. 9.

4. No Miniſter ſhall hold more than Two Pariſhes; nor Two, unleſs by Conſent and Agreement of both Veſtries, and Appointment of the Ordinary. 1702, *ch.* 1. §. 16.

5. The Miniſter of any Pariſh, (in the firſt Year of his Admiſſion) ſhall be allowed only ſuch Part of the 40 per Poll, as ſhall be due from the Day of his Induction to the Time of laying the next County Levy. 1713, *ch.* 10, §. 4.

6. On Removal, or Death, the Incumbent ſhall have ſuch Part of the 40 per Poll as ſhall be due, from the laſt Levy, to the Day of ſuch Removal or Death. *Ibid.*

7. If ſuch Incumbent Die, or be Removed within the Firſt Year, then he ſhall be entitled to ſuch Part of the 40 per Poll, as ſhall be due from the Day of his Admiſſion to the Day of ſuch Death or Removal. *Ibid.*

8. Every Miniſter in this Province ſhall read the Act to puniſh Blaſphemers, Curſers, *&c.* Four Times a Year; *viz.* On ſome Sunday in *March*, *June*, *September* and *December*, in their reſpective Pariſh Churches, between Divine Service and Sermon, on Forfeiture of 1000 ℔ Tobacco for every Omiſſion: One Half to the Uſe of the County, the other Half to the Perſon ſuing for the ſame. All Proſecutions for not Reading this Act ſhall be commenced within Six Months after ſuch Omiſſion. 1723, *ch.* 16, §. 12 and 13.

9. Inſtead of the 40 per Poll allowed the Clergy, *(ſee Art.* 1,) there ſhall be Levied no more than 30 per Poll on the Taxable Inhabitants of their reſpective Pariſhes; which ſhall be Paid in Inſpectors Notes, *&c.* and

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MINISTERS.

and for which the Sheriff ſhall retain in his own Hands 5 per Cent. 1763, *ch.* 18, §. 23.

For other Matters, ſee *Church of England*, 1. *Curſing*, &c. per Tot. *Fornication*, 2—4. *Hemp and Flax*, 2. *Inſpectors Notes*, 3. *Levies*, 11, 13, 19, 23, 25, 28. *Marriage*, per Tot. *Militia*, 2. *Parochial Libraries*, 1, 2, 4, 5. *Taxables*, 2. *Veſtry*, 2, 28.

MINORS;

1. ——Are not liable to Amerciament, when caſt in Court. 1722, *ch.* 12, §. 1.

2. Perſons under Age, being entitled to Lands, &c. by Purchaſe, ſhall not be obliged, during Minority, to anſwer any Suit or Ejectment relating thereto, otherwiſe than if ſuch Lands, &c. came by Deſcent. 1729, *ch.* 24, §. 16.

See *Infants*.

MONEY. See *Guardians*, 8.

MONEY to be paid in Lieu of Tobacco. See *Levies*, 28. 1729 ch 8. §. 6.

MORTGAGES. See *Secret Sales*, 1. *Tobacco Debts*, 3.

MORTMAIN. See *Church Lands*, per Tot. *Schools*, 1, 19, 29.

MULATTOES.

1. Mulatto Children, begotten by any Negro, or other Slave, or by any Free Negro, upon any White Woman; or by any White Man upon any Free Negro Woman, ſhall be Servants till the Age of Thirty-one. 1715, *ch.* 44, §. 27.

2. For the Puniſhment of White Parents of Mulatto Children, ſee *Negroes*, 3, 5. *Servants*, 14.

See *Harbourers of Servants and Slaves*, 5. *Negroes*, 3—6, 18—20.

MULATTOES born of White Women. See *Negroes*, 3, 4, 6, 18—20.

MULATTO SLAVES. See *Negroes*.

MURDER. See *Advancement of Juſtice*, 2. *Negroes*, 34, 37.

MUSTERS.

1. Every Colonel, Lieut. Colonel, Major or Captain, Commiſſioned by the Governor, ſhall Muſter and Train the Militia within their reſpective Diviſions, at ſuch Places and Times as to them ſhall ſeem meet. 1715, *ch.* 43, §. 1.

2. Notice ſhall be given of ſuch Muſter, by the Officer at the Head of his Company, or by an Officer ſent to the Houſe of the Party, or by Warrant under his Hand. *Ibid.*

3. Perſons (after ſuch Notice given, or Summons ſent) neglecting to appear, or refuſing, on Appearance, to ſerve, or not bringing a ſerviceable Gun, with Six Charges of Powder, ſhall forfeit 100 lb Tobacco, to be applied to the Uſe of the Troop or Company, for purchaſing Drums, Colours, &c. at the Diſcretion of the Field Officers in the County. *Ibid.*

4. If the Perſon finable be a Servant, hindered by his Maſter, Miſtreſs or Overſeer, then ſhall ſuch Maſter, &c. pay the Fine. *Ibid.* But no Servant ſhall be enliſted, unleſs upon ſuch Emergency as ſhall be adjudged by the Field Officers of the County. 1733, *ch.* 7, §. 11. And no White Man, employed in any Manner about Iron-Works, unleſs he be alſo employed in making Tobacco, ſhall be obliged to attend at Muſters, unleſs upon very extraordinary Occaſions. 1732, *ch.* 17, §. 2.

5. Every Trooper neglecting to appear at Muſter, on Notice given, accoutered according to Law, (ſee *Troopers*, 2.) ſhall forfeit 100 lb Tobacco to the Uſe of the Troop, for purchaſing Trumpets, Colours, &c. 1715, *ch.* 43, §. 4.

6. On Repreſentation of the Head Officer in the Field, at any Muſter, that any Perſon, not exempted by Law, ſhall not have appeared according to Warning, any Two Field Officers of the County may ſummon the Delinquent or others concerned; and, on Hearing and Examination, may award Execution againſt Body, Goods and Chattels of Perſons neglecting, refuſing or failing; or may execute them, as ſhall be moſt agreeable to the Intent of the Militia Law of 1715, *ch.* 43. And any Perſon by them ſummoned and not appearing, may be adjudged by them as on Default. 1722, *ch.* 15. See alſo 1715, *ch.* 43, §. 2.

7. An Account of all ſuch Forfeitures, ſhall be kept by the Clerk of ſuch Troop or Company; and the Clerks and Sheriffs of each reſpective County, ſhall Iſſue and Serve all ſuch Executions without Fee or Reward. 1715, *ch.* 43, §. 2.

8. Every Captain, Lieutenant, Cornet or Enſign, refuſing or neglecting to appear at Muſters, ſhall forfeit 200 lb Tobacco for every ſuch Refuſal or Neglect, to be adjudged and levied as aforeſaid. And the Majors of every County, ſhall render an Account of all ſuch Fines, to the Governor and Council yearly, on Forfeiture of 500 lb Tobacco, to the Uſes aforeſaid, to be adjudged and levied by the Colonel or Lieutenant Colonel, by way of Execution as aforeſaid. *Ibid.* §. 20.

9. Perſons inliſted in the Militia, ſhall behave themſelves at Muſters Decently, and in a Manner ſuitable to the Attention and Care requiſite in ſuch Exerciſe, on Penalty of 100 lb Tobacco, or 10*s.* Currency for every ſuch Miſbehaviour; to be determined by any Two Field Officers of the County, and by them certified to the County Clerk; who ſhall iſſue Execution for the ſame. And the Penalty levied thereon ſhall be paid by the Sheriff, to the Governor, once every Year, for the Purchaſe of Arms and Ammunition for the Uſe of the Regiment in that County. And the Sheriff or Coroner ſhall have 30 lb Tobacco for Serving ſuch Execution, beſides Impriſonment Fees, or Fees on the Sale of Goods; and the County Clerk 6 lb Tobacco for iſſuing the ſame. 1733, *ch.* 7, §. 9 and 12.

10. Perſons attending Muſters, ſhall be exempted from all Arreſts in Civil Cauſes, as well going to, as coming from, the ſame, during the Space of 24 Hours, every ſuch Time of Muſter. 1748, *ch.* 1.

11. No Arms or Ammunition ſhall be Preſſed, except for Training; and for all other Services ſhall be furniſhed out of the County Magazine. 1715, *ch.* 43, §. 2. But Arms and Ammunition may be Preſſed by the Preſs-Maſters, on ſpecial Order of the Governor. *Ibid.* §. 12.

See *Iron-Works*, 6. *Militia*, 1. *Public Arms*, 11. *Troopers*, 3.

MUTE. See *Boats*. 1. *Horſe Stealers*, 1. *Negroes*, 35, 37.

N.

NANTICOKE INDIANS. See *Indians Lands*, 1—8.

NATIVES. See *Reſidents*.

NATURALIZATION BILLS.

1. The Fees for Naturalization Bills, and other Private Laws, ſhall be ſuch as ſhall be allowed and adjudged in the ſeveral Aſſemblies in which they are paſſed. 1704, *ch.* 74, §. 2.

2. Perſons preſuming to exact more, ſhall forfeit 2000 lb Tobacco; One Half to the Support of Government, the other Half to the Party grieved. *Ibid.* §. 3.

NAVAL OFFICERS;

1. ——Shall adminiſter an Oath to every Maſter of a Tobacco Ship, as to the Quantity and Quality of his Lading; and on the Maſter's Refuſal of ſuch Oath, or on Suſpicion of Fraud, may enter on board and Search. 1704, *ch.* 42, §. 5.

2. ——Shall procure at the County Charge, and affix in their ſeveral Offices, Copies of the Act requiring

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NAVAL OFFICERS.

ring Maſters of Ships, *&c.* to publiſh the Rates of their Freight, before they take Tobacco on board. 1704, *ch.* 62, §. 5.

3. ——Shall receive (or take good Security for the Payment of) Three Pence a Ton, for every Ton Burthen of all Ships coming into this Province, at the Time of Entry, for the Uſe of the Governor for the Time being: Except ſuch Ships as are built in or belong to the People of this Province. 1704, *ch.* 78.

4. ——Shall put up Copies of the Act for prohibiting the Exportation of the Hides of Neat Cattle, *&c.* in the moſt public Part of their Offices; and to have a ſtrict Regard to the due Execution of that Act. 1712, *ch.* 23, §. 2.

5. The following Fees, and no more, ſhall be paid to the ſeveral Naval Officers, *viz.*

	s.	*d.*
For Entering and Clearing a Ship, or Veſſel, above 100 Tons,	20	0
——— under 100 Tons,	10	0
For a Permit,	2	6
For an Impoſt Bond,	5	0
For a Certificate of Goods Imported,	5	0
For a Navigation Bond,	5	0
For every Oath made of Goods,	1	0
For Recording and Tranſmitting a Ship's Regiſter,	5	0
For Filing and Proving a Certificate, and Diſcharging a Navigation Bond,	5	0
For Certificate to diſcharge Navigation Bond,	5	0

but only one Half the ſaid Fees ſhall be taken for Veſſels built or purchaſed by Inhabitants of this Province, whoſe Owners are all actual Reſidents therein. 1717, *ch.* 2, §. 3.

6. Naval Officers ſhall put up a fair Table of their Fees in their ſeveral Offices, under Penalty of 50*l.* Sterling; one Half to the Support of Government, the other to the Informer. *Ibid.* §. 4.

7. ——Shall keep a Copy of the Act to prevent the Injuring of Harbours, *&c.* ſet up in ſome public Place of their Offices, on Forfeiture of 10*l.* Currency. 1735, *ch.* 16, §. 4.

8. ——Shall give Bond, on or before the 10th of *November* 1751, with Two ſufficient Sureties, to his Lordſhip, in the Sum of 1000*l.* Sterling, for the Uſe of the Public of this Province, *&c.* before a Provincial Magiſtrate: Which Bonds ſhall not be affected by the Act of Limitation; and ſhall, by the Juſtice taking the ſame, be lodged with the Clerk of the Council, to be kept in the Council Office. 1751, *ch.* 20.

See *Annapolis*, 2, 5. *Bacon*, &c. 2—4. *Convicts*, 3—6. *Country Bottoms*, per Tot. *Freight of Tobacco*, 5. *Gold and Silver*, per Tot. *Governor*, 1. *Iriſh Servants*, per Tot. *Letters Public*, 3. *Liquors Imported*, per Tot. *Maſters of Ships*, 3, 4. *Negroes*, 8—17. *Oxford*, 2, 4. *Pitch, Tar and Pork*, per Tot. *Public Charges*, per Tot. *Support of Government*, per Tot. *Tobacco Inſpected*, 3, 8, 10.

NAVIGATION BONDS.

1. The Attorney-General ſhall have no Fees on any Navigation Bond put in Suit, where Certificate appears to have been lodged in the Secretary's Office; nor on Bonds for Country Dues, where ſuch Bonds appear not to have been forfeited. But, if he proſecute without juſt Cauſe, he ſhall not only loſe his own Fees, but ſhall pay the Secretary's Fees, and all the Defendant's Charges. 1715, *ch.* 48, §. 4.

2. Navigation, Sheriff's, and other Bonds, taken in his Majeſty's Name, being put in Suit, ſhall be endorſed, *viz.* If a Navigation Bond, *for whom the Perſon was Bound*, and *in what Year:* If a Sheriff's Bond, or Bond taken in any of his Majeſty's Offices, *at whoſe Requeſt it was ſued:* And for want of ſuch Endorſement the Writ ſhall abate, and the Party grieved recover Coſts againſt the Attorney that ſued forth the Writ. *Ibid.* §. 5.

NECESSARY LIVELIHOOD.

See *Attachment*, 6.

NEGROES.

1. All Negroes and other Slaves, and their Iſſue, ſhall be Slaves during their natural Lives. 1715, *ch.* 44, §. 23.

2. No Negro, by receiving the Holy Sacrament of Baptiſm, is thereby manumitted, nor hath any Right to Freedom more than he had before. *Ibid.* §. 24.

3. Any White Woman, ſuffering herſelf to be got with Child by a Negro, or other Slave, or by a Free Negro, ſhall, if Free, become a Servant for Seven Years; if a Servant, ſhall finiſh her Servitude, together with Satisfaction for Damage, and ſhall again become a Servant for Seven Years. *Ibid.* §. 26.

4. Any Free Negro, begetting ſuch Child, ſhall become a Servant for Seven Years; and the Children of ſuch inordinate Copulations ſhall be Servants till Thirty-one Years of Age. *Ibid.* §. 27.

5. Any White Man begetting any Negro Woman with Child, (whether Free Woman or Servant) ſhall undergo the ſame Penalties as White Women. *Ibid.* §. 28.

6. Theſe Times of Servitude (*by* Art. 3, 4, 5,) ſhall be diſpoſed of by the County Court; and the Produce appropriated towards defraying the County Charge. *Ibid.*

7. No Negro, or other Slave, ſhall be permitted to carry Guns or other offenſive Weapons, from off their Maſter's Land, without Leave: And any Slave, preſuming ſo to do, may be carried before a Magiſtrate, and whipped; and the Gun or other Weapon ſhall be forfeited to the Perſon ſeizing the ſame. *Ibid.* §. 33.

8. Perſons importing Negroes into this Province, by Land or Water, (except ſuch as are imported in Country Bottoms, for which ſee *Country Bottoms*) ſhall pay to the Naval Officer of the Diſtrict, at the Time of Entry, Twenty Shillings Sterling for each Negro ſo imported, towards defraying the public Charges of the Province; on Penalty of 5*l.* Sterling per Poll for every Negro kept back or unaccounted for: One Half to the Uſe aforeſaid, the other Half to the Informer. 1715, *ch.* 36, §. 8.

9. An Additional Duty of Twenty Shillings Current Money, per Poll, ſhall be paid as aforeſaid, for every Negro imported into this Province, by Land or Water; and applied to the Encouragement of One Public School in each County, to be divided in equal Shares. And the Importer ſhall forfeit 5*l.* Current Money for every Negro kept back or unaccounted for: One Half towards defraying the Public Charge, the other Half to the Informer. 1717, *ch.* 10, §. 3 and 4. Which Additional Duty is declared to be payable for all Negroes imported in Country Bottoms. 1728, *ch.* 8, §. 4 and 5.

10. No Inhabitant of this Province, nor Perſons who ſhall import themſelves and Families to ſettle here, ſhall be liable to pay the above Impoſitions for their own proper and domeſtic Slaves, which they may have Occaſion to bring into, or import with them, into this Province. Provided the Owners of ſuch Negroes repair to the Naval Officer within Two Days after ſuch Importation, and make Entry of them by their proper Names, as their domeſtic Slaves; and give Bond, with one good Surety, in the Sum of 500*l.* Currency, that they ſhall not diſpoſe of ſuch Negroes for Three Years. Of which Entry and Bond the Naval Officer ſhall give a Certificate, on paying the uſual Fees for the ſame. And ſuch Certificate ſhall exempt the Owner from paying the aforementioned Impoſitions on Negroes. 1721, *ch.* 9, §. 2.

11. When Negroes, ſo Entered and Exempted from the Duties aforeſaid, ſhall, by Death of the Owners, fall into the Hands of Executors, *&c.* within the Time herein limited, who may be under a Neceſſity of diſpoſing of the ſame, ſuch Executor ſhall firſt pay the Naval Officer the Impoſition Money aforeſaid, and then may ſell or diſpoſe of ſuch Negroes. *Ibid.* §. 3.

12. No

Navigation on Patapsco not to be ingreed - Vid. 1753 ch 27.

12. No Perſons ſhall be deemed Inhabitants of this Province, ſo as to reap the Benefit of the Laws as ſuch, but ſuch as have actually lived within the Province for Three Years, the Privilege allowed by this Act excepted. *Ibid.* §. 4.

13. No Perſons importing any Servants or Slaves, ſhall be liable to pay Duty for ſuch of them as ſhall die, or be exported before Sale: Provided ſuch Death or Exportation ſhall happen within Three Months after ſuch Importation; and that the Owner make Oath before the Naval Officer, that ſuch Servants or Negroes, ſo exported or dead, are Part of thoſe Imported or made Entry of. 1735, *ch.* 6, §. 1, 2.

14. For Prevention of Frauds, by Non-Reſidents importing Negroes from *Pennſylvania*, *Virginia*, or other Provinces; every Perſon in whoſe Cuſtody ſuch Negroes ſhall be found, ſhall be deemed the Importer, and be liable to pay the Duties to the Naval Officer, under the Penalties inflicted by the Acts of 1715, *ch.* 36; and 1717, *ch.* 10, (*ſee above*, Art. 8 *and* 9,) for Concealment. *Ibid.* §. 3.

15. All Perſons importing Negroes by Land or Water, into this Province, ſhall, at the Time of Entry, pay to the Naval Officer 2*l.* Current Money, over and above the Duties now payable by Law, (*viz.* Art. 8 and 9 *above*,) for every Negro ſo imported or brought in, to be applied to the Uſe of the County Schools; on Forfeiture of 10*l.* Current Money, for every Negro ſo brought in, and not paid for. One Half of which Penalty to the Informer, the other Half to the Uſe of the County Schools: Which Duty ſhall be collected, accounted for, and paid, by the Naval Officers, in the ſame Manner as the former Duties upon Negroes, &c. 1763, *ch.* 28, §. 1.

16. But Perſons removing from any other of his Majeſty's Dominions, in order to ſettle and reſide within this Province, may import ſuch Negroes as they ſhall be poſſeſſed of, for carrying on their proper Occupations at the Time of their Removal, Duty free. *Ibid.* §. 2.

17. Importers of Negroes, exporting the ſame within Two Months from the Time of their Importation, on Application to the Naval Officer, ſhall be repaid the aforeſaid Duty. *Ibid.* §. 3.

18. No Negro or Mulatto Slave, Free Negro, or Mulatto born of a White Woman, during the Time of Servitude by Law, ſhall be received as Evidence in any Cauſe wherein any Chriſtian White Perſon is concerned. 1717, *ch.* 13, §. 2.

19. Yet, where other ſufficient Evidence is wanting, they may be admitted at the Diſcretion of the Court, as Evidence againſt any Negro, or Mulatto Slave, Free Negro, or Mulatto born of a White Woman, during the Time of Servitude by Law, where ſuch Teſtimony doth not extend to Deprivation of Life or Member. *Ibid.* §. 3. *But ſee below*, Art. 39, 40 *and* 41.

20. For preventing the concealing of Capital Crimes committed by Slaves, and the conveying them away from Juſtice by their Owners: Where any Negro or Mulatto Slave, or Mulatto born of a White Woman, during the Time of Servitude by Law, or *Indian* Slave, ſhall be capitally Convicted, the Court ſhall immediately value ſuch Negro, &c. And Three Fourths of ſuch Value ſhall be paid to the Owner out of the Public Levy. *Ibid.* §. 4. (*But ſee below*, Art. 42, 45 *and* 48; *whereby the full Value ſhall be paid to the Owner.*

21. To prevent Charges to the Owners of Slaves, by Trials in the County Courts, any Slave charged with Pilfering or Stealing, may be brought before a ſingle Magiſtrate; who, on Proof thereof, may award ſuch Puniſhment by Whipping, according to the Nature of the Crime, as he ſhall think fit, not exceeding Forty Laſhes. *Ibid.* §. 6.

22. For preventing the tumultuous Meetings, &c. of Slaves, the ſeveral County Courts are required, yearly, in *November* Court, to appoint the Conſtable of

every Hundred, where they think it expedient, to ſuppreſs the tumultuous Aſſembling of Slaves. 1723, *ch.* 15, §. 2.

23. Every Conſtable, ſo appointed, ſhall repair once a Month, to all ſuſpected Places within his Hundred; and, if he find any Slaves, (except ſuch as belong to the Owner of the Place) without a Licence under their Owner's or Overſeer's Hand, ſhall Whip every ſuch Negro on the bare Back, at his Diſcretion, not exceeding Thirty-nine Stripes. *Ibid.*

24. For enabling the Conſtable to put this Act in Execution, he may require as many Perſons as may be neceſſary, to repair with him to ſuch Places: Every Perſon ſo required, and refuſing, ſhall forfeit 100 lb Tobacco; and all White Perſons preſent ſhall aid ſuch Conſtable, on Penalty of 100 lb Tobacco: One Half to the County, the other Half to the Informer. *Ibid.* §. 3.

25. All Slaves belonging to the Owner of the Place, if required, ſhall aid the Conſtable, on Penalty of each receiving Thirty-nine Stripes on the bare Back. *Ibid.*

26. Every Conſtable, ſo appointed, ſhall be allowed 500 lb Tobacco in the County Levy. *Ibid.* §. 4.

27. Any Negro, or other Slave, convicted before a ſingle Magiſtrate of ſtriking any White Perſon, ſuch Magiſtrate may cauſe one of the offending Slave's Ears to be Cropt. *Ibid.*

28. The Owner of any Plantation may warn any ſtrange Negro, or other Slaves, (not ſent by their Owners on lawful Occaſions) to be gone to their Owners; and, on Refuſal or Delay ſo to do, may correct ſuch Slave by Whipping, not exceeding Thirty-nine Laſhes. *Ibid.* §. 5.

29. Any Perſons encouraging Negroes to meet in Companies on their Plantations, (unleſs on lawful Occaſion) ſhall forfeit 1000 lb Tobacco to the Uſe aforeſaid. *Ibid.*

30. Owners, ſuffering any of their Slaves to keep any Horſes or Mares, or to raiſe any Cattle or Hogs, as the proper Right of ſuch Slaves, ſhall forfeit 500 lb Tobacco; and all ſuch Horſes, &c. ſhall likewiſe be forfeited. One Half to the Informer, the other to the Uſe aforeſaid. *Ibid.* §. 6.

31. Runaway, out-lying Slaves, refuſing to ſurrender themſelves, or making Reſiſtance againſt Perſons legally impowered to take them up, may be ſhot, killed, or deſtroyed by ſuch Perſons. *Ibid.* §. 7. *See below*, Art. 44 *and* 45.

32. This Act ſhall be read in every County Court, by the Sheriff, or his Deputy, on Forfeiture of 500 lb Tobacco for every Omiſſion. One Half to the Uſe of the County, the other to the Informer. *Ibid.* §. 8.

33. Free Mulatto Women, and their Baſtard Iſſue, ſhall be ſubject to the ſame Penalties as White Women and their Iſſue are, for having Mulatto Baſtards, by the Act of 1715, *ch.* 44. (*See above*, Art. 3 *and* 4.) Free Negro Women, having Baſtards by White Men, and their Iſſue, ſhall be ſubject to the ſame Penalties; and the Proceedings hereon ſhall be the ſame as preſcribed in that Act. 1728, *ch.* 4.

34. Any Negro, or other Slave, convict of Petit-Treaſon, Murder, or wilfully burning of Dwelling-houſes, ſhall have Judgment to have the Right Hand cut off, to be hanged, quartered, and the Head and Quarters ſet up in the moſt public Places of the County. 1729, *ch.* 4, §. 1.

35. Perſons ſtealing any Negro, or other Slave, or who ſhall counſel, hire, aid, or abet, or command any Perſon to commit the ſame, or who ſhall be acceſſory to the ſaid Offence; on Conviction, Outlawry, ſtanding Mute, or peremptorily Challenging above Twenty, ſhall ſuffer Death without Benefit of Clergy. 1737, *ch.* 2, §. 4.

36. The full Value to be adjudged by the Court, of any condemned Slave, who ſhall either be actually executed, or die after Condemnation, under Confinement in Order for Execution, ſhall be paid to the Owner by

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the Public Treaſurer, without any Fee or Reward, out of the Public Stock, on Certificate from the Sheriff of ſuch Execution or Death. *Ibid.* §. 5, 6.

37. Slaves convicted of conſulting, adviſing, conſpiring or attempting to raiſe any Inſurrection, or to murder or poiſon any Perſon, or to commit a Rape upon any White Woman, or to burn any Houſe; or who ſhall ſtand Mute, or peremptorily Challenge above Twenty Jurors, ſhall ſuffer Death without Benefit of Clergy. 1751, *ch.* 14, §. 2.

38. Slaves convict of attempting to burn any Dwelling-houſe or Out-houſe contiguous to, or uſed with any Dwelling-houſe, or other Houſe wherein ſhall be any Perſon, Goods, Tobacco, Grain or Fodder, ſhall ſuffer Death without Benefit of Clergy. *Ibid.* §. 3.

39. Slaves committing any Felony puniſhable by Death, ſhall be committed to the Sheriff of the County, and tried at the next Aſſizes or County Court which ſhall firſt happen; which Court is impowered, on Confeſſion, or Conviction of the Offender, on the Teſtimony of one legal Witneſs, or even of other Slaves corroborated with ſuch pregnant Circumſtances, as ſhall ſatisfy the Jury of the Guilt of ſuch Slaves, to give Judgment. *Ibid.* §. 4.

40. Slaves convict of giving falſe Teſtimony againſt other Slaves on ſuch Proſecutions, ſhall have one Ear cut off, and receive Thirty-nine Stripes, on the Day of Conviction; and the other Ear to be cut off, and the like Number of Stripes given the Offender, on the Day following. *Ibid.* §. 5.

41. Slaves produced as Witneſſes on ſuch Occaſions, ſhall be admoniſhed to declare the Truth, *&c.* and acquainted with the Danger of falſe Swearing, *&c.* by the Court. *Ibid.* §. 6.

42. Slaves condemned to ſuffer Death, ſhall immediately be valued by the Court, and that whole Value ſhall be paid by the Treaſurer of the reſpective Shore on which ſuch Execution ſhall be, out of the Public Stock, to the Owner, on Certificate of the Sheriff, in Caſe ſuch Slave be actually executed. *Ibid.* §. 7.

43. Slaves guilty of Rambling, Riding, or going abroad by Night, or riding Horſes by Day without Leave, or Running away, may (on Application of their Owners, or other Perſon injured by them) be immediately puniſhed by the County Court, by Whipping, Cropping, Branding or Otherwiſe, not extending to Life, or rendering ſuch Slave unfit for Labour. *Ibid.* §. 8.

44. Officers or other Perſons, endeavouring to apprehend any Slave who ſhall happen to be ſlain for refuſing to ſurrender, or unlawfully reſiſting, *&c.* ſhall be indemnified from any Proſecution for ſuch Killing. *Ibid.* §. 9. But this Clauſe ſhall not be conſtrued to indemnify any Officer or other Perſon, killing any Slave reſiſting or refuſing to ſurrender, from undergoing a legal Trial; but ſuch Perſon may plead the General Iſſue, *&c.* And if it appear on Evidence, that ſuch Killing was done in Purſuance of the foregoing Act, ſuch Perſon ſhall be acquitted, and the Public ſhall pay all the Coſts and Charges of ſuch Proſecution. 1753, *ch.* 26.

45. Slaves ſo killed, ſhall be valued by two reputable Perſons, not of Kin to the Owner, to be appointed and ſworn *(well and truly to value what ſuch Slave was worth, to the beſt of their Knowledge, without Favour or Partiality)* by the then neareſt Magiſtrate; and the whole Value, certified by them to ſuch Magiſtrate, ſhall be paid to the Owner or his Order, by the Treaſurer of the reſpective Shore on which ſuch Death happened, out of the Public Stock, on Certificate of ſuch Death and Value, by the ſaid Magiſtrate. 1751, *ch.* 14, §. 9.

46. Any Free Perſon inticing or perſuading a Slave to run away, who ſhall actually run away, and being thereof convict, ſhall forfeit the full Value of ſuch Slave, to the Owner: Or, in caſe of Inability to pay, ſhall ſuffer one Year's Impriſonment, without Bail, *&c.* *Ibid.* §. 10.

47. Any White Servant guilty of the ſame Offence, ſhall, after the Expiration of his Servitude, become a Servant to the Owner of ſuch Slave for Four Years, or pay the Value of the Slave; which in either Caſe, ſhall be adjudged at the Trial, by the Court before whom the Fact ſhall be tried. Which Trial may be either in the County where the Offence ſhall be committed, or where the Offender ſhall be apprehended. *Ibid.*

48. No Money ſhall be paid for any Slave, either dying in Goal after Sentence, or executed, unleſs ſuch Slave was an actual Inhabitant within this Province, at the Time of ſuch Fact committed. *Ibid.* §. 12.

49. The ſeveral Sheriffs, ſhall cauſe this Act to be read at the Court Houſe Door, on the ſecond Day of each County Court, on Forfeiture of 5*l.* Current Money for every Neglect; to be recovered with Coſts, in the County Court, and applied to the County Charge. *Ibid.* §. 11.

50. No Property in any Slave, whereof the Donor ſhall retain the Uſe and Poſſeſſion, ſhall be transferred to any Donee, unleſs the Gift be under Hand and Seal, acknowledged before a Provincial Juſtice, or one Juſtice of the County wherein the Donee reſides, and recorded in the County Records within Twenty Days after Execution of the Deed. But this Act ſhall not make void any Parol Gift, where there ſhall be an expreſs Delivery of ſuch Slave in purſuance thereof, and where the ſole Uſe and Poſſeſſion of ſuch Slave ſhall be transferred to the Donee, nor any Bequeſt of a Slave by Will. 1763, *ch.* 13.

See *Adminiſtrators*, 6, 7. *Country Bottoms*, 2, 7. *Fieri facias*, 6. *Guardians*, 10—12. *Harbourers of Servants and Slaves*, 4, 5. *Manumiſſion of Slaves*, per Tot. *Marriage*, 12, 13. *Maſters of Ships*, 3—5. *Militia*, 3. *Orphans*, 9. *Quakers*, 6. *Runaways*, per Tot. *Taxables*, 1, 2.

NEXT OF KINDRED. See *Adminiſtrators*, 13. *Inteſtates Eſtates*, 1. *Widows*, 2, 3.

NON APPEARANCE. See *Inſpectors*, 45.

NON COMPOS MENTIS. See *Adminiſtration Bonds*, 3. *Bankrupts*, 5. *Limitation of Actions*, 3, 6, 8. *Specialties*, 2.

NON EST INVENTUS. See *Adminiſtration Bonds*, 2. *Arreſts*, 1. *Attachment*, 1, 2. *Small Debts*, 1.

NON-RESIDENTS. See *Accounts*, 1. *Adminiſtrators*, 14. *Bacon*, &c. per Tot. *Diſcount in Bar*, 2.

NON-SUIT.

1. The Plaintiff, in any Action in the County Court, ſhall be Non-ſuited, where the juſt Balance of the Demand doth not exceed 400 ℔ Tobacco, or 33*s.* 4*d.* in Money. 1715, *ch.* 41, §. 4.

2. In the Provincial Court the Plaintiff ſhall be Non-ſuited, where the juſt Balance is under 1500 ℔ Tobacco, or 6*l.* 5*s.* in Money. *Ibid.* §. 5.

See *Adminiſtrators*, 18. *Arreſts*, 2. *Diſcount in Bar*, 2. *Guardians*, 26. *Hemp and Flax*, 3. *Jurors*, 12. *Officers Fees*, 1. *Records*, 5, 8. *Runaways*, 10. *Suits at Law*, 1. *Tobacco Debts*, 3, 4. *Tobacco Run*, 5.

NOTICE. See *Adminiſtration Bonds*, 4. *Boundaries of Land*, 6—8. *Delegates*, 4, 8. *Demand of Debts*, per Tot. *Fornication*, 3, 4. *Muſters*, 2. *Runaways*, 6. *Small Debts*, 3.

O.

OATHS TO THE GOVERNMENT. See *Attorneys*, 3. *Conſtables*, 3. *Delegates*, 9, 10, 11, 13. *Inſpectors*, 12. *Iriſh Servants*, 4. *Proteſtant Intereſt*, per Tot. *Quakers*, 1. *Schools*, 17. *Surveyors*, 1. *Veſtry*, 4, 5, 6, 12, 26.

OATH OF OFFICE. See *Conſtables*, 3. *Inſpectors*, 12. *Judge or Juſtice*, 1. *Schools*, 4, 17. *Surveyors*, 1. *Tobacco Run*, 7. *Veſtry*, 4, 12, 21.

OFFICE BONDS. See *Deputy-Commiſſary*, 7. *Inſpectors*, 12, 14. *Naval Officers*, 8. *Public Charges*, 6, 7. *Records*, 1—11. *Standard*, 1.
OFFICE DAYS. See *County Clerks*, 4.
OFFICERS. See *Fees*, 1. *Lord Proprietary*, 11. *Magiſtrates*, 1. *Officers Fees*, per Tot.

OFFICERS FEES.

1. Security ſhall be given for Payment of all Officers Fees, accruing by any Suit commenced in any County Court by the Plaintiff, in caſe he doth not reſide in that County; or, in Default thereof, or of his Attorney's ſignifying his Intention of Paying the ſame, ſhall ſuffer Non-Suit. 1715, *ch.* 48, §. 12.

2. Security ſhall be given for Officers Fees by Non-Reſidents, who demand Proceſs in their own Names, without any Titling from an Attorney. 1716, *ch.* 20, §. 2.

3. All Officers, whoſe Fees are due on Execution, ſhall draw out the Particulars in a fair legible Hand, and in Words at full Length; on Forfeiture of ſuch Fees, if expreſſed in abbreviated Words. 1717, *ch.* 2, §. 2; and 1731, *ch.* 15, §. 2.

4. Any Public Officer having made out his Fees contrary to the Intent of this Act, and inſiſting on Levying the ſame, ſhall be fined 500 lb Tobacco: One Half to the Free School in *Annapolis*; the other Half to the Perſon informing or ſuing for the ſame. 1717, *ch.* 2, §. 2.

5. No Sheriff ſhall be allowed any Fee for executing for any Public or County Levy, or any other Public Dues, or Officers Fees. 1724, *ch.* 21, §. 2.

6. Sheriffs executing Goods for Officers Fees, ſhall proceed therein according to the Act of 1716, *ch.* 16, §. 2. *Ibid.* §. 3.

See *Fees*, 1.

OFFICERS OF CUSTOMS. See *Tobacco Run*, 4.
ORDINARY. See *Miniſters*, 4. *Veſtry*, 25, 26.
ORDINARY KEEPERS. See *Delegates*, 3. *Iron-Works*, 7. *Quakers*, 4, 8. *Sailors*, per Tot.
ORPHAN JURY. See *Adminiſtrators*, 12. *Guardians*, 20. *Orphans*, 10, 13.

ORPHANS.

1. Orphans entitled to any Part in the Diſtribution of an Inteſtate's Eſtate, if capable of chuſing Guardians, ſhall be called into Court, then and there to chuſe their Guardians, into whoſe Hands their Eſtates ſhall be committed. 1715, *ch.* 39, §. 7.

2. But, if ſuch Orphans be not at Age, then ſhall the County Court appoint fit Perſons, to whom ſuch Orphans and their Eſtates ſhall be committed, taking Bond with Two ſufficient Sureties in the Name of the Orphans, for ſecuring and delivering the ſame to the Orphans or their Guardians, when thereunto lawfully called, *&c.* *Ibid.*

3. Orphans ſhall not be charged by Adminiſtrators or Guardians, *&c.* for Diet, Cloaths, Phyſic or Education; but ſhall be ſupported by the Intereſt of their Eſtate, or Increaſe of their Stock: Which, if too ſmall for a liberal Education and Maintainance, the Orphans ſhall be bound out Apprentices by the County Court, till the Age of Twenty-one Years. Unleſs ſome Relation, or charitable Perſon, will undertake to maintain and educate them, for the Increaſe of their ſmall Eſtate, without Diminution of the Principal; which ſhall always be delivered to the Orphans at the Ages herein limited. *Ibid.* §. 9.

4. All Male Orphans ſhall be of full Age to receive their Eſtates at Twenty-one Years. *Ibid.* §. 13.

5. But any Perſon, appointed Executor or Executrix by any Laſt Will, ſhall be accounted of Age, ſufficient for that Truſt, at Seventeen. But, if under Seventeen, then ſhall the Adminiſtration be committed by the Commiſſary-General, *durante Minoritate*, to ſuch proper Perſon as he ſhall approve of, to the proper Uſe and Behoof of the Infant Executor, *&c.* and not in

any other Manner. And Infant Adminiſtrators are declared to be under the like Reaſons and Law. *Ibid.* §. 13 and 14.

6. Female Orphans ſhall be accounted of full Age to receive their Eſtates at the Age of Sixteen, or Day of their Marriage, which ſhall firſt happen. *Ibid.* §. 15.

7. Where a Proteſtant dies, leaving Children, and a Widow who ſhall afterwards intermarry with a Perſon of the Romiſh Communion, or is herſelf a Papiſt, the County Court may, on Application, remove the Children out of the Mother's Cuſtody, and place them under Proteſtant Truſtees, and allow the Intereſt of their Eſtates, or ſuch Part thereof as may be neceſſary for their Support, ſo as not to diminiſh the principal Eſtate. And the like Care ſhall be taken that the Children of all Proteſtants of the Church of *England*, ſhall be brought up in the Principles of that Church. 1729, *ch.* 24, §. 12 and 13. See alſo 1715, *ch.* 39, §. 10.

8. The County Courts ſhall take ſufficient Security for Orphans Eſtates, and enquire thereof yearly; and, as often as they find it neceſſary, may require new or better Security; and, in caſe of Refuſal, ſhall immediately remove ſuch Orphan's Perſon and Eſtate into other Hands. And, in caſe ſuch Guardian, *&c.* ſhall refuſe to obey their Order of Removal, may iſſue Attachment, *&c.* againſt ſuch Guardian, *&c.* to anſwer the Contempt; and commit him to Priſon till ſuch Order be complied with. 1715, *ch.* 39, §. 20; and 1729, *ch.* 24, §. 6.

9. In caſe the Guardians and Sureties prove Inſolvent, and that none will undertake the Guardianſhip and give Security, the County Court ſhall take the Eſtate into their own Hands, to Sell the ſame, (Negroes and Plate excepted) and diſpoſe of the Produce, Negroes and Plate, to the Orphan's beſt Advantage, taking Security for the ſame; and may alſo demiſe any Lands or Tenements belonging to ſuch Orphan. 1729, *ch.* 24, §. 6.

10. The County Courts ſhall, yearly, in *June* Court, cauſe an Orphan Jury to be ſummoned, who ſhall enquire, upon their Oaths, Whether the Orphans be kept, maintained, and educated, according to their Eſtates? And whether Apprentices are taught their Trades, or rigorouſly uſed, and turned to common Labour, at the Axe or Hoe, *&c.* 1715, *ch.* 39, §. 21.

11. If they find that Orphans are not maintained and educated according to their Eſtates, or Apprentices not taught their Trades, *&c.* the Court ſhall remove them to other Guardians and Maſters. *Ibid.*

12. If they find that ſuch Apprentices are put to other Labour, *&c.* to the Neglect of their Trades, the Courts ſhall adjudge the Maſters to make Satisfaction to the Apprentices for their Labour, *&c.* *Ibid.*

13. Guardians Bonds and Orphans Indentures ſhall be recorded in the County Court; and the County Clerk ſhall preſent the Orphan Jury, every *June* Court, with a Liſt of the Orphans and Apprentices of their County. *Ibid.* §. 22.

14. The Juſtices, every *June* Court, ſhall give in Charge to the Orphan Jury, to enquire if any Waſte hath been made of Orphans Lands? Under Penalty of 1600 lb Tobacco: One Half to the Support of Government; the other Half to the Perſon ſuing for the ſame in the Provincial Court. *Ibid.* §. 33.

See *Adminiſtration Bonds*, 1. *Adminiſtrators*, 12. *Commiſſary-General*, 6. *Fieri facias*, 6. *Fines*, 14. *Guardians*, per Tot. *Widows*, 7.

OVERSEERS. See *Inſpectors*, 27.
OVERSEERS OF ROADS. See *Bridges*, 2. *Highways*, 2, 4, 5, 10—13. *Jurors*, 4.
OUT-HOUSES. See *Houſe-breaking*, 3. *Negroes*, 38.
OUTLAWRY. See *Boats*, 1. *Horſe Stealers*. *Negroes*, 35.
OUTLYING SLAVES. See *Negroes*, 31.

OXFORD.

1. Erected into a Town, Port, and Place of Trade, under the Name of *The Town Land*, near *Treadhaven* Creek. 1683, *ch.* 5.

2. Conſtituted a Town, Port, and Place of Trade, under the Name of *Oxford*, and the Collector of the Diſtrict and Naval Officer, or their lawful Deputies, to reſide there conſtantly for the Diſpatch of Shipping. 1694, *ch.* 8.

3. No Inhabitants to raiſe any Stock of Cattle, *&c.* more than they can raiſe on their reſpective Lots. *Ibid.* §. 8.

4. The Town to be laid out anew, and one or more Places for Ship-building to be reſerved: A Naval Officer to reſide there, and the Town for the future, to be called *Williamſtadt*. 1695, *ch.* 7.

5. Eſtabliſhed as a Port. 1706, *ch.* 14.

6. Swine and Geeſe not to be raiſed therein. 1747, *ch.* 6.

P.

PACKING. See *Falſe Packing*.

PALATINE.

This Province erected into a County Palatine. See the CHARTER, §. IV.

PAPISTS. See *Country Bottoms*, 7. *Delegates*, 9, 10. *Iriſh Servants*, 3—6. *Proteſtant Intereſt*, 8.

PARISH-BOUNDS.

1. The Juſtices of the ſeveral Counties, wherein the Bounds of any Pariſh are uncertain, or ambiguouſly expreſſed, are impowered to aſcertain and regulate the ſame; and ſhall cauſe their Proceedings therein, to be entered in the County Records. 1713, *ch.* 10, §. 2.

2. Where a Pariſh lies in two Counties, the Juſtices of that County, wherein the diſputable Bounds of ſuch Pariſh is contained, ſhall determine; and cauſe ſuch determination to be recorded. *Ibid.* §. 3.

3. ——For the original Power whereby the ſeveral County Courts were authorized to divide their reſpective Counties into Pariſhes, and aſcertain their Bounds, ſee 1692, *ch.* 2.

4. ——For the ſeveral ſubſequent Diviſions and Regulation of Bounds of particular Pariſhes by Acts of Aſſembly; *ſee the* INDEX *to* Private, Parochial *and* Town Laws, *under the reſpective Names of ſuch Pariſhes.*

PARISH-CLERK. See *Miniſters*, 2.

PARISH REGISTER. See *Proteſtant Intereſt*, 7, *Records*, 12. *Veſtry*, 8, 11—18.

PAROCHIAL CHARGES. See *Inſpectors Notes*, 7, 8. *Levies*, 11, 17, 20, 23, 28. *Veſtry*, 11, 27. *Fines*, &c. 12, 13.

PAROCHIAL LIBRARIES.

1. Parochial Libraries ſhall remain in Poſſeſſion of the ſeveral Incumbents, who ſhall preſerve the ſame from Waſte and Imbezzlement, and be accountable for the ſame to the Governor, Council and Aſſembly. 1704, *ch.* 56, §. 1.

2. The Incumbent, to that Purpoſe, ſhall paſs two Receipts for the Books; one of which ſhall be tranſmitted to the Governor and Council, and the other to remain with the Veſtry, and be entered in their Regiſter-Book. *Ibid.* §. 2.

3. The Veſtry ſhall viſit and inſpect the Parochial Library twice a Year, and in caſe of Neglect, ſhall forfeit 1400 lb Tobacco; one Half to the Support of Government, the other Half to the Informer: And the *Onus probandi* to lie upon the Veſtry. *Ibid.* §. 3.

4. The Veſtry have Power to ſue the Miniſter, his Executors, *&c.* for the full Value of the Books wanting, in caſe of Damage or Imbezzlement. *Ibid.* §. 4.

5. The Incumbent, in caſe of Removal, ſhall deliver ſuch Library to the Veſtry, and make Satisfaction for any Damage or Waſte (except by Fire or other unavoidable Accident) before his Departure out of the Pariſh: Or, in caſe of the Death of the Incumbent, the Veſtry ſhall take Charge of ſuch Library, paſs their Receipts for the ſame, and be accountable as aforeſaid. *Ibid.* §. 5.

6. The Governor, for better preſerving ſuch Libraries, may appoint Viſitors to report the true State of them to his Excellency and the Council, that they may make Orders for the effectual Preſervation of them. *Ibid.* §. 6.

PAROLE DEMUR. See *Continuance of Actions*, 3.

PAROLE GIFT. See *Negroes*, 50.

PASSES.

1. Perſons, intending to depart the Province, ſhall give Notice thereof, by ſetting up their Names for Three Months in the Secretary's Office, and at the Court-Houſe Door of the County where they reſide. And if, in the Time aforeſaid, no Perſon ſhall underwrite them, then, on Certificate thereof from the Clerk of the Provincial Court, and Clerk of the County, a Paſs may be granted by the Governor, Keeper of the Great Seal, or Secretary. 1715, *ch.* 19, §. 1.

2. The Secretary's Fee for ſigning the Paſs ſhall be 2 *s.* 6 *d.* and to the Clerks of the Provincial and County Courts, 12 *d.* each. *Ibid.*

3. Any Perſon neceſſitated to depart the Province on ſudden Occaſion, may have a Paſs, on giving Security to the Governor, *&c.* for the Payment of all Debts, *&c.* due or demandable from him, without ſetting up ſuch Notes. *Ibid.*

4. Maſters of Ships, or other Perſons, conveying, by Land or Water, out of this Province, any Perſon Indebted, without ſuch Paſs, ſhall be liable to ſatisfy all his Debts, Engagements, *&c.* to the Perſons to whom they ſhall be due, unleſs otherwiſe ſatisfied, or unleſs ſuch Tranſporter, *&c.* procure ſuch Perſon to return within a Month, ſo as to be liable to Juſtice here. *Ibid.* §. 2.

5. Perſons conveying or tranſporting over *Suſquehanna* River, or any Part of the Bay above the North Side of *Saſſafras* River, on the Eaſtern Shore; or over *Patowmack*, or *Pocomoke* Rivers, into *Virginia*, any Perſons without ſuch Paſs as aforeſaid, or a Certificate under the Hands of Two County Juſtices, and the County Seal thereto, that the Travelling Perſons are Free Men, and clear from Engagements impeding their Travelling, ſhall be anſwerable to the Creditors, Maſters or Owners of ſuch Perſons, for all Debts or Damages. *Ibid.* §. 4.

See *Indians*, 12. *Runaways*, 2, 3.

PATENT. See *Certificate Lands*.

PATRONAGE. See *Advowſon*.

PAUPER ESTATES. See *Deputy-Commiſſary*, 4, 9, 12.

PAWNS. See *Indians*, 4.

PEACE and Good Government ſecured. See *Lord Proprietary*, 7—11.

PENAL Acts of Parliament. See *Advancement of Juſtice*, 2. *Popery. Toleration.*

PENSION. See *Militia*, 10, 11.

PERJURY.

1. Any Perſon corruptly procuring any Witneſs to commit Perjury in any Matter depending in Suit in any Court of Record within this Province, or corruptly procuring or ſuborning any Witneſs to be ſworn *in perpetuam Rei Memoriam*; and being thereof lawfully convicted, ſhall forfeit 40 *l.* Sterling: Or, not having Goods to the Value, ſhall ſuffer One Year's Impriſonment without Bail, and ſtand One Hour in the Pillory. 1692, *ch.* 16, §. 2.

2. Any Perſon convict of wilful and corrupt Perjury, whether by Subornation, or otherwiſe, in any Court of Record, or being examined *in perpetuam Rei Memoriam*, ſhall forfeit 20 *l.* Sterling, and ſuffer Six Months Impriſonment, without Bail: Or, not having Goods

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PERJURY.

Goods to the Value, ſhall be ſet in the Pillory, and have both Ears nailed. *Ibid.* §. 4.

3. No Perſon, convict as aforeſaid, ſhall be received as a Witneſs, in any Court of Record, till ſuch Judgment be reverſed by Attaint or otherwiſe; in which caſe he ſhall recover Damages againſt the Perſon procuring ſuch Judgment, by Action on the Caſe. *Ibid.* §. 3 and 4.

4. One Moiety of the Fines in this Act to be for the Support of Government, and the other to the Party grieved, who will ſue for the ſame. *Ibid.* §. 4.

See *Accounts*, 7. *Adminiſtrators*, 19. *Advancement of Juſtice*, 9. *Convicts*, 5, 9. *Inſpectors Notes*, 12. *Negroes*, 40. *Tobacco Debts*, 4. *Witneſſes*, 1.

PETIT-TREASON. See *Negroes*, 34.

PHYSIC. See *Guardians*, 6. *Orphans*, 3.

PIG-IRON. See *Iron-Works*, 5.

PILFERING. See *Negroes*, 21.

PILLAGE. See *Militia*, 9.

PILLORY. See *Coins*, 1. *Ingroſſers*, 2. *Inſpectors*, 49. *Records*, 14. *Seals*. *Servants*, 17. *Thieving*, 2, 3, 5. *Tobacco Inſpected*, 6.

PITCH, TAR AND PORK.

1. Pork, Pitch or Tar, imported into this Province for Sale, by Non-Reſidents, either by Land or Water, ſhall be liable to a Duty, to be paid by the Importer, towards the Maintainance of Free Schools, according to the Petitionary Act of 1696, *ch.* 17, *viz.*

Pork *per* Barrel,	- - -	1*s.*	6*d.*
—— *per* C. W^t.	- - -	0	6
Pitch *per* Barrel,	- - -	1	0
Tar *per* Barrel,	- - -	0	6

to be collected by the ſeveral Naval Officers, who ſhall render an Annual Account thereof to the public Treaſurers; and the Treaſurers to Account for the ſame to the General Aſſembly. 1723, *ch.* 11, §. 2.

2. Any Pork, Pitch or Tar, chargeable with the ſaid Duties, being landed without Entry with the proper Officer, upon Oath of the Importer; or before the Duty ſhall be paid or ſecured, and Warrant obtained from the Officer for Landing the ſame, ſhall be forfeited, or the Value; one Half to the Uſe of Public Schools, the other Half to the Informer. *Ibid.* §. 3.

See *Gauge of Barrels*, 1, 3, 4, 7, 8, 10, 11.

PLAINTIFF may be interrogated on Oath. See *Tobacco Debts*, 4, 8.

PLATE. See *Fieri facias*, 6. *Guardians*, 8. *Orphans*, 9.

PLUNDER. See *Militia*, 9.

PLURALITIES. See *Miniſters*, 4.

POISON. See *Negroes*, 37.

POOR-CHILDREN. See *Schools*, 34.

POPERY.

Good Proviſion is made to prevent its Growth by the *Engliſh* Stat. of 11 and 12 of *W.* III, *cap.* 4. Nor can any Act of Aſſembly of this Province alter its Effect. 1718, *ch.* 4.

See *Orphans*, 7, *Proteſtant Intereſt*, 8.

PORK. See *Bacon*, &c. per Tot. *Gauge of Barrels*, per Tot. *Pitch*, &c. per Tot.

PORT DUTIES.

1. All Veſſels (not properly belonging to this Province) having a Deck flush Fore and Aft, trading within this Province, ſhall pay, for Port Duties or Anchorage, half a Pound of Powder and three Pound of Shot, or the Value, for every Ton of Burden, to the Lord Proprietor. 1661, *ch.* 7, §. 1.

2. No Country Bottoms to be charged with the above Port Duties or Anchorage, nor more than Five Shillings for Entering, and Five Shillings for Clearing each Veſſel. 1682, *ch.* 4.

PORTS.

1. A Number of Towns, &c. being by this Act intended to be eſtabliſhed, to be Ports and Places where all Ships and Veſſels trading into this Province, ſhould unlade and put on Shore all Negroes, Wares, Goods, Merchandizes and Commodities whatſoever; the following Places, and no other, were to be reputed and appointed Ports, *viz.*

Annapolis, in *Anne-Arundel* County.
St. Mary's Town, in *Patowmack*.
At *Cheſter-Town*, upon *Joce's* Land, in *Cheſter* River.
Green-hill Town, in *Somerſet* County, below *Daniel Haſt* Creek, in *Wiccomoco*.
At the Town of *Oxford*, in *Great-Choptank*.
And at *Beckwith's* Iſland, in *Patuxent* River.

1706, *ch.* 14. *See the Notes thereon*, N° 1, 2.

2. All the Towns, Rivers, Creeks and Coves in *Talbot* County, and the Towns, Rivers, &c. in *Great-Choptank*, and *Little-Choptank* in *Dorcheſter* County, and *Kent* Iſland in *Queen-Anne's* County, were to be deemed Members of the Port of *OXFORD*.——All the Towns, &c. in *Cæcil*, *Kent* and *Queen-Anne's* County (except *Kent* Iſland) to be Members of the Port of *CHESTER-TOWN*, in *Cheſter* River.——All the Towns, &c. in *Somerſet* County, and the remaining Part of *Dorcheſter* County, to be Members of the Port of *GREEN-HILL*, on *Wiccomoco* River.——All the Towns on both Sides of *Patuxent* River, with the Rivers, Creeks and Coves thereof, to be Members of *PORT St. GEORGE*, at *Beckwith's* Iſland, on *Patuxent* River.——All the Towns in *Baltimore* and *Anne-Arundel* Counties, with the Rivers, &c. thereto belonging, (ſaving on *Patuxent* River) to be Members of the Port of *ANNAPOLIS*.——All the Towns in *Patowmack* River, with the Rivers, &c. thereto belonging, to be Members of the Port of *St. MARY's*, in *Patowmack* River.——And all Commanders of Ships, &c. to Enter with the Naval Officers and Collectors of the ſeveral Diſtricts where they deſign to ride and unload, and not with the Officers of another Diſtrict. 1707, *ch.* 16. *See the Notes thereon*, N° 6 *to* 12.

POSSESSIONS QUIETED. See *Conveyances*.

PREROGATIVE COURT.

1. ——Shall be held once in Two Months, or oftener, if neceſſary; and the Proceedings therein ſhall be according to the Laws of *Great-Britain*, if pleaded before the Commiſſary-General, in Caſes wherein the Laws of this Province are ſilent. 1715, *ch.* 39, §. 2.

2. ——Shall have like Authority to enforce Obedience to its Precepts, Orders, Interlocutory Sentences, and Decrees, as the High Court of Chancery. *Ibid.* §. 40.

3. All Perſons againſt whom any Sentence or Decree in the Prerogative Court ſhall be made, ſhall be allowed Thirty Days to enter an Appeal therefrom; and Thirty Days more to proſecute the ſame before a Court of Delegates: Whoſe Sentence therein ſhall be final. 1726, *ch.* 9, §. 2; and 1715, *ch.* 39, §. 27.

4. The Time of Appeal and Proſecution thereof being elapſed, or Compliance with the Commiſſary's Sentence, (ſent to the Party under Hand and Seal of the Commiſſary) being in the mean Time neglected, nor Security given to perform the ſame, and Oath being made of the Refuſal thereof; Attachment may iſſue out of the Commiſſary's Office againſt Body, Goods, Chattels, or Credits of the Perſon ſo refuſing. 1715, *ch.* 39, §. 40.

See *Appeal*, 12. *Bills of Coſt*. *Court of Delegates*.

PRESENTATION. See *Advowſon*. *Miniſters*, 1.

PRESENTMENT. See *Proceſs Criminal*.

PRESIDENT OF THE COUNCIL. See *Governor*, 2.

PRESIDENT OF THE COUNTY COURT. See *Special Bail*, 1. *Stay of Execution*, 3.

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PRESS-MASTERS.

1. The ſeveral County Courts ſhall, yearly, between the 29th *September* and 25th *December*, appoint Two honeſt and ſubſtantial Men of their County, to be Preſs-Maſters for the Year enſuing. 1715, *ch.* 43, §. 11.

2. The Juſtices of any County Court, neglecting to appoint Preſs-Maſters, as aforeſaid, (by Precept from their Court, ſigned by their Clerk) ſhall each of them forfeit 500 lb Tobacco, for the Support of Government. *Ibid.* §. 13.

3. Preſs-Maſters, ſo appointed, refuſing or neglecting to ſerve and truly execute the ſaid Office, ſhall forfeit 500 lb Tobacco for each Offence, to the ſame Uſe. *Ibid.*

4. On the Death, Removal, Sickneſs, *&c.* of any Preſs-Maſter, the next Juſtice of the Peace ſhall appoint another in his Place. *Ibid.* §. 11.

5. Such Preſs-Maſters ſhall, if Occaſion require, impreſs Victuals, *&c.* by Warrant from the Governor. *Ibid.*

6. Any others, than ſuch Preſs-Maſters, preſuming to preſs any Goods, *&c.* ſhall pay treble Value to the Perſons grieved. *Ibid.*

7. Nor ſhall Preſs-Maſters preſs any Arms or Ammunition whatſoever, on any Duty or Service, unleſs by Order of the Governor, under the like Penalty. *Ibid.* §. 12.

See *Muſters*, 11.

PRETENDER Abjured. See *Proteſtant Intereſt.*

PRINCIPAL. See *Acceſſory.*

PRINTER TO THE PROVINCE.

1. *William Parks.* Acts for his Encouragement. 1727, *ch.* 8; and 1737, *ch.* 13.

2. *Jonas Green.* Acts for his Encouragement. 1740, *ch.* 4; 1744, *ch.* 4; 1746, *ch.* 9; 1749, *ch.* 8; 1753, *ch.* 39; 1754, *ch.* 8; 1756, *ch.* 14 and 22; 1760, *ch.* 8; 1762, *ch.* 24; and 1763, *ch.* 33.

3. He ſhall be allowed by the ſeveral County Courts, annually, at laying their County Levy, 320 lb Tobacco, for each Inſpection reſpectively, for Printing and delivering a ſufficient Number of Books, Notes, and Manifeſts, for the ſeveral Inſpections. 1763, *ch.* 18, §. 118. And in what Species of Gold and Silver this Allowance may be diſcharged, ſee *Ibid.* §. 120.

PRISON.

The Juſtices of the County Court ſhall not levy above 6000 lb Tobacco, at any one Time, for the neceſſary Repairs of any one Priſon. But if more be adjudged neceſſary, they ſhall not levy the ſame without Leave of the General Aſſembly. 1748, *ch.* 20, §. 3.

See *Public Goal.*

PRISONERS, not bound by the Act of Limitation. 1715, *ch.* 23, §. 3 and 6.

PRIVATE LAWS. See *Naturalization Bills.*

PRIZE. See *Militia*, 9.

PRIZES FOR TOBACCO. See *Inſpectors*, 31. *Warehouſes.*

PROBAT OF ACCOUNTS. See *Accounts*, 2—7. *Adminiſtrators*, 16—19. *Attachment*, 11. *Diſcount in Bar*, 1. *Foreign Debts*, 2, 3.

PROBAT OF BONDS. See *Advancement of Juſtice*, 9. *Attachment*, 10. *Foreign Debts*, 2, 3. *Records*, 2, 3.

PROBAT OF WILLS. See *Commiſſary-General*, 2. *Deputy-Commiſſary*, 1—3.

PROCESS. See *Lord Proprietary*, 7—9.

PROCESS CIVIL.

Any Perſons within this Province, may order out Proceſs in their own proper Names, without any titling from an Attorney; and the Clerks of the Provincial and County Courts ſhall, on Application to them, iſſue ſuch Writs; the Parties demanding the ſame (if Non-Reſidents) giving Security for Fees. 1716, *ch.* 20, §. 2.

See *Lord Proprietary*, 7—9.

PROCESS CRIMINAL.

1. No Proceſs for any Criminal Matter or other Miſdemeanour, ſhall iſſue out of any the Courts of this Province, againſt any Perſon whatſoever, without a Preſentment firſt found by the Grand Jury, or a ſpecial Order by the Governor in Council, or of the Provincial or County Courts. 1715, *ch.* 48, §. 1.

2. No Attorney General, or Clerk of the Peace or of Indictments, ſhall exhibit any Bill of Indictment to any Grand Jury, without an Order from the Governor and Council, or from the Court, or one of the Juſtices of ſuch Court; or unleſs the Offender be bound over to ſuch Court, or preſented by the Grand Jury of their own Knowledge; on Penalty of paying the Party grieved all Damages, *&c.* occaſioned by ſuch Proſecution. 1722, *ch.* 5.

See *Appeal*, 11. *Attorneys*, 3.

PROPRIETARY. See *Lord Proprietary.*

PROTESTANT DISSENTERS. See *Diſſenters.*

PROTESTANT INTEREST.

1. All Perſons admitted to any Office or Place of Truſt, within this Province, ſhall take the Oaths of *Allegiance*, of *Abhorrency*, and *Abjuration*: And without taking ſuch Oaths, and ſubſcribing the Oath of *Abjuration*, and making and ſubſcribing the *Teſt* (for the Forms of all which ſee the Act at large) before ſome Member of the Council, or ſome Provincial or County Magiſtrate, or before ſome Court of Record, no Perſon ſhall be capable of holding or executing any Office, Deputation, or Truſt, within this Province. 1716, *ch.* 5, §. 3.

2. Any Perſon preſuming to execute or enjoy any ſuch Office, *&c.* contrary to the true Meaning of this Act; the Commiſſion, Deputation, *&c.* of ſuch Perſon is not only declared void *ab Initio*, but ſuch Offender ſhall alſo forfeit to his Lordſhip 250*l.* Sterling; one Half to the Uſe of Free Schools within this Province, the other Half to the Informer. *Ibid.*

3. The Clerk of any Court of Record, where ſuch Oaths are taken in open Court, ſhall *(ex Officio)* keep a fair Tranſcript of the Oath of *Abjuration* and of the *Teſt*, to be ſubſcribed by every Perſon taking the Oaths, and ſhall record the Time, *&c.* when taken and ſubſcribed, and the Office or Truſt ſuch Perſons hold within this Province. *Ibid.* §. 5.

4. Any Member of the Council, or Magiſtrate, adminiſtering the Oaths out of Court, ſhall keep the like fair Tranſcript, for every Perſon to ſign who takes the Oaths before them; and ſhall alſo certify, under their Hands, to the next County Court, the Names of ſuch Perſons, the Time when Sworn, and the Office they enjoy: Which Certificate ſhall be entered by the Clerk *(ex Officio)* in the County Records. *Ibid.*

5. Perſons applying to any Magiſtrate, to have the Oaths adminiſtered out of Court, ſhall repair to the Dwelling-Houſe of ſuch Magiſtrate, who ſhall not be obliged to adminiſter the ſame elſewhere. *Ibid.* §. 6.

6. Perſons having taken the Oaths, *&c.* before one Magiſtrate, ſhall be obliged to take and ſubſcribe the ſame *de novo*, (if required) in any Court of Record during the Sitting thereof, on Pain of incurring the Penalties aforeſaid: Which Oaths ſhall be adminiſtered and recorded by the Officers of ſuch Court, without Fee or Reward. *Ibid.* §. 7.

7. This Act ſhall not extend to alter the Manner of adminiſtering the Oaths to Veſtrymen, Church-wardens and Pariſh-Regiſters, required by the Act of 1702, *ch.* 1. (See *Veſtry*, 3, 4.) *Ibid.* §. 8.

8. If any Perſon who has taken the Oaths, ſhall afterwards be preſent at any Popiſh Aſſembly, *&c.* and join with them in their Service at Maſs, or receive the Sacrament in that Communion; he ſhall not only forfeit his Office, and incur the Penalties of this Act, but alſo be incapable of holding or executing any Commiſſion, *&c.* within this Province, until he be fully reconciled to the Church of *England*, and receive the Communion therein. *Ibid.* §. 9.

9. This

PROTESTANT INTEREST.

9. This Act ſhall not extend to the Negotiation of his Lordſhip's private Affairs, in Matters no ways relative to the Government of this Province, or to any judicial or miniſterial Offices thereon depending, or to the Collection of any Dues ariſing therefrom, *&c. Ibid.* §. 10.

10. Nor to the Exemption of any Perſons from taking the Oaths required by Law before the making this Act. *Ibid.* §. 11.

PROTESTANTS. See *Iriſh Servants*, 2. *Orphans*, 7.

PROTESTANT SUCCESSION.

The Right of his Majeſty King *George* I, in the Proteſtant Succeſſion, recognized. 1715, *ch.* 1.

PROTESTED BILLS. See *Bills of Exchange*.

PROVINCIAL COURT.

1. Provincial Juſtices ſhall be allowed 140 lb Tobacco per Day, during the Time they ſhall ſit, and attend the Court, beſides their itinerant Charges, to be paid out of the Public Levy of this Province. 1716, *ch.* 11, §. 9.

2. The Juſtices may make Rules and Orders for well governing and regulating the Court, under Fines not exceeding 1000 lb Tobacco; to be applied to the Support of Government. 1715, *ch.* 41, §. 2.

See *Advancement of Juſtice*, 3. *Amerciaments*, 3. *Annapolis*, 7, 12. *Appeals*, 1—3. *Appearance*, 1. *Diſcount in Bar*, 3. *Magiſtrates*, 1, 2, 4. *Militia*, 12. *Public Goal*, 2. *Records*, 2, 6, 9. *Servants*, 6, 16. *Special Bail*, 1—7, 10. *Standard*, 2. *Suits at Law*, 3. *Thieving*, 6. *Witneſſes*, 3, 5—7.

PUBLIC ARMS.

1. The Governor, or Commander in Chief, for the Time being, may, at any Time, order ſuch Arms as he ſhall think proper, to be delivered out of the Public or County Magazine, to the Colonel of each County, and the Captain of each Independent Company; for which Arms ſuch Colonel and Captain ſhall give their Receipts: Which Receipts ſhall be recorded in the Council Books, and ſuch Record be allowed as Evidence againſt ſuch Colonel or Captain, who ſhall be anſwerable to the Governor, *&c.* for the ſame, or the Value of ſo many as ſhall not be produced, on Demand of the Governor, or Perſon by him thereunto appointed, in as good Order as they ought to be. 1733, *ch.* 7, §. 3.

2. Such Condition and Value ſhall be determined by the Governor, or Perſon by him thereunto appointed; and the Value, ſo determined, ſhall be paid by ſuch Colonel to the Governor, for the Purchaſe of Arms and Ammunition for the Uſe of the Regiment in that County. *Ibid.*

3. Such Colonel or Captain neglecting or refuſing to pay ſuch Value, the Governor, or Perſon by him appointed, may order the County Clerk to iſſue Execution for the ſame againſt Body and Goods of ſuch Colonel, *&c.* which ſhall be ſerved by the Sheriff, (or Coroner, if ſuch Colonel, *&c.* be Sheriff at that Time) and the Money paid thereon, ſhall, by ſuch Sheriff, *&c.* be paid once every Year to the Governor for the Uſes aforeſaid. *Ibid.*

4. And, if the Sheriff, *&c.* ſhall ſeize any Goods, *&c.* of ſuch Colonel, *&c.* by virtue of ſuch Execution, he ſhall cauſe them to be appraiſed by Two Sworn Appraiſers, and afterwards ſell them by Public Vendue; and ſhall pay the Value for which they were taken in Execution to the Governor, for the Uſes aforeſaid, and return the Remainder, if any, to the Owner of the Goods. *Ibid.*

5. To reimburſe the Colonel for Arms ſpoiled, *&c.* by others, ſuch Colonel ſhall deliver to every Officer, having a Troop or Company in the County, ſo many Arms as ſuch Officer ſhall think neceſſary for his

PUBLIC ARMS.

Troop or Company, and take a Receipt for the ſame from ſuch Officer; who ſhall be accountable to the Colonel for ſuch Arms, (to the Value thereof, as rated by the Governor, or Perſon by him thereunto appointed,) in caſe they be not produced to ſuch Colonel, when demanded, in ſuch Order as they ought to be. Which Order ſhall be determined by the Governor, or ſome Perſon authorized by him; who ſhall certify ſuch Value to the County Clerk, requiring him to iſſue Execution for the Uſe of the Colonel againſt the Body, Goods, *&c.* of the Officer who cannot produce ſuch Arms as aforeſaid. Which Execution ſhall iſſue, and be executed as aforeſaid; and the Money paid to the Colonel for his own Uſe. *Ibid.* §. 4.

6. For the Indemnification of ſuch Officers, having a Troop or Company in ſuch Regiment, for the Loſs or Damage of Arms by the Default of their Men, every Man enliſted in ſuch Troop or Company, ſhall give a Receipt to ſuch Officer for the Arms which ſhall be delivered to him, on Penalty of 200 lb Tobacco, for refuſing to accept, or to give a Receipt for ſuch Arms: And Execution ſhall be iſſued as aforeſaid, on Certificate of ſuch Officer, againſt the Perſon ſo refuſing: And the Sum, ſo levied, ſhall be paid once in every Year to the Governor for the Uſes aforementioned. And if ſuch Perſon cannot produce ſuch Arms in ſo good Order as they ought to be, when required by ſuch Officer; then the Governor, or Perſon by him authorized, ſhall, on Application, value ſuch Arms, ſo not produced, and certify the ſame to the Clerk of the County, requiring him to iſſue Execution for the ſame againſt Body, Goods, *&c.* of ſuch Perſon: And the Value, levied thereon as before directed, ſhall be paid to ſuch Officer for his own Uſe. *Ibid.* §. 5, 6.

7. The Captain of each Independent Company ſhall receive Arms from, and be accountable to the Governor, *&c.* in the ſame Manner as the Colonel of a County. And the reſpective Men ſhall be liable and accountable to ſuch Captain in the ſame Manner as the Men in any Troop or Company in the County Regiment. And the Value ſhall, in like Manner, be ſet, proceeded for, and levied; but ſhall be paid by the Sheriff to the Captain for his own Uſe. *Ibid.* §. 8.

8. The Governor is impowered and deſired to appoint ſome fit Perſon or Perſons, in each County, to execute ſuch Parts of this Act as are directed to be executed by any Perſon thereunto appointed by the Governor. *Ibid.* §. 10.

9. The Sheriff's or Coroner's Fee, for every Execution ſerved by Virtue of this Act, ſhall be 30 lb Tobacco, beſides Impriſonment Fees, or Fees on Sale of Effects. And the County Clerks ſhall have 30 lb Tobacco for every Execution by him iſſued. Which Fees ſhall be leviable on Execution. *Ibid.* §. 12.

10. All Public Arms ſhall be marked in ſuch Manner as the Governor ſhall direct. And no Perſons ſhall preſume to ſell or purchaſe ſuch Arms ſo marked, or where the Mark appears to have been marked, or knowing the ſame to be Public Arms; on Penalty of 40 *s.* the Seller, and 40 *s.* the Buyer, to be recovered before a ſingle Magiſtrate; on whoſe Warrant, directing the ſame, the County Clerk ſhall iſſue Execution, and the Penalty, ſo levied, ſhall be paid, Half to the Informer, and Half to the Governor, for the Uſes aforeſaid. *Ibid.* §. 14.

11. No Executor or Adminiſtrator of any ſuch Colonel, *&c.* deceaſed, ſhall be chargeable with any Public Arms more than they have in their Poſſeſſion, or have received Satisfaction for. Nor any ſucceeding Officer for more than he ſhall receive, or take Receipts for. But ſuch ſucceeding Officers ſhall, on the Death of his Predeceſſor, immediately warn the Regiment, Company or Troop, to a Muſter, and then take Receipts for ſuch Arms as ſhall be found in good Order, and return Certificate of the Number thereof, together with the Condition of the Arms loſt or ſpoiled, to the Governor, within Thirty Days of ſuch Muſter: After

PUBLIC ARMS.

ter which the Officers and Men ſhall become liable as before directed. And the Officer neglecting ſuch Muſter and Return, ſhall be liable for the Value of the Arms delivered to his deceaſed Predeceſſor, *&c.* *Ibid.* §. 16.

12. No Officer, nor his Executors, *&c.* ſhall be liable for Arms delivered to any of the Militia, who, (after Receipt thereof, and before Satisfaction made to the Officer for Loſs, Damage, *&c.* of ſuch Arms,) ſhall prove inſolvent. *Ibid.* §. 17.

See *Muſters*, 11.

PUBLICATION. See *Marriages.*

PUBLIC CHARGES.

1. A Duty or Impoſition of 20*s.* Sterling per Poll, for all *Iriſh* Servants, (being Papiſts) imported into this Province, is applied towards defraying the Public Charges of this Province. 1715, *ch.* 36, §. 7.

2. A like Duty of 20*s.* Sterling per Poll is laid on all Negroes imported, and applied to the ſame Uſe. *Ibid.* §. 8.

3. A Duty of 3*d.* per Gallon, on all Rum, Brandy, Spirits or Wine, imported, except from *Great-Britain*, is applied to the ſame Uſe. *Ibid.* §. 9.

4. But the above Duties are not payable for ſuch Servants, Slaves, or Liquors, imported in Country Bottoms. *Ibid.* §. 17.

5. Theſe Duties ſhall be collected by the ſeveral Naval Officers, within their reſpective Diſtricts, who ſhall be allowed 8 per Cent for their Salary. *Ibid.* §. 14.

6. The Naval Officers ſhall give good Security to the Governor, and make Oath well and faithfully to gather the Impoſt ariſing by virtue of this Act, *&c.* and ſhall twice a Year account with the Public Treaſurers appointed to receive the ſame. *Ibid.* §. 13.

7. The Treaſurers ſhall be allowed 5 per Cent Salary, ſhall give Bond to be accountable, and ſhall render Account to the Aſſembly at each ſucceſſive Meeting, to be by them diſpoſed of towards defraying the Public Charges of the Province. *Ibid.*

See *Levies*, 3. *Liquors Imported*, 1, 8. *Fines*, 20.

PUBLIC CREDITORS.

Public Creditors may (for the ſpeedy Satisfaction of their Dues) either apply to the Governor to put the Sheriff's Bond in Suit, or may immediately have Action of Debt againſt ſuch Sheriff for their Public Dues. 1715, *ch.* 46, §. 4.

See *Diſcount.*

PUBLIC DUES.

Public Dues ſhall be demanded of the Sheriff by the 25th *December*, yearly, and by the Sheriff, at or before the 20th *February* in every Year; otherwiſe the Public Debtor ſhall not be liable to Execution for Public Dues or Officers Fees in that Year. 1715, *ch.* 46, §. 5.

See *Hemp and Flax*, 2.

PUBLIC GOAL.

1. A Public Goal to be built at *Annapolis*, and to remain in Poſſeſſion and Cuſtody of the Sheriff of *Anne-Arundel* County. 1736, *ch.* 6, §. 1.

2. The Provincial Court may commit any Priſoners to the Cuſtody of the ſaid Sheriff, either to be detained by him, or remanded to any other Priſon, as the Nature of the Caſe ſhall require. But the ſaid Court ſhall not hereby acquire any Power or Juriſdiction contrary to the Act of 1715, *ch.* 28, for taking Special Bail. *Ibid.* §. 2, 3.

PUBLIC LETTERS. See *Letters Public.*

PUBLIC NOTARY. See *Foreign Debts*, 2, 3.

PUBLIC TREASURERS. See *Treaſurers.*

PUNISHMENT of NEGROES convict of Petit-Treaſon, Murder, or Wilfully Burning any Dwelling-Houſe, *&c.* See *Negroes*, 34.

PUNISHMENT of NEGROES ſtriking any White Perſon. See *Negroes*, 27.

PURCHASERS. Their Rights ſecured. See *Conveyances.*

Q.

QUAKERS.

1. IN all Caſes where the People of this Province are obliged to take the Oaths to his Majeſty's Government, the Quakers ſhall likewiſe be obliged to take their Affirmation inſtead of ſuch Oaths. 1724, *ch.* 18, §. 2.

2. No Perſon ſhall ſet up any Booth, or ſell or diſpoſe of any Liquor, or other Matter whatſoever, within One Mile of the Yearly Meeting-Houſe in *Talbot* County, or Two Miles of the Yearly Meeting-Houſe near *Weſt-River*, in *Anne-Arundel* County, during the Time of the Quakers Yearly Meetings; on Penalty of 10*l.* Currency: One Half to the County School, the other Half to the Informer. 1725, *ch.* 6, §. 2. *But ſee below*, Art. 7 *and* 8.

3. Any County Magiſtrate, on Complaint, may iſſue his Warrant for bringing the Offender before him; and, on Proof, may commit him to Priſon till he ſhall remove the Booth, *&c.* and give Security to anſwer for his Offence at the next County Court. *Ibid.* §. 3.

4. This Act ſhall not extend to hinder Ordinary-keepers from ſelling Liquors in their Dwelling-Houſes. *Ibid.* §. 4.

5. No Perſon ſhall Run or Pace any Races with Horſes, *&c.* for Wagers, Diverſion, or other Pretence whatſoever, within the Diſtance of Five Miles from the Meeting-Houſe in *Talbot* County, or the Meeting-Houſe on *Weſt-River* in *Anne-Arundel* County, on the Days on which the Quakers Yearly Meetings ſhall be reſpectively held, on Penalty of 5*l.* Currency on the Owner who ſhall Run or Pace his Horſe, or knowingly ſuffer the ſame to be Run, for every ſuch Race; and the like Penalty on every one who ſhall Wager on ſuch Race, or Run for his Diverſion, or Ride a Race on any Horſe, *&c.* belonging to any other; recoverable in any Court of Record, by Action of Debt, *&c.* and to be applied, Half to the Informer, and Half to the County School. 1747, *ch.* 17, §. 2 and 7.

6. The Conſtables of the ſeveral Hundreds in the ſaid Counties, (on their own Knowledge, or Information of others, that great Numbers of Slaves, during ſuch Meetings, are met in a tumultuous Manner, within the ſaid Counties,) ſhall immediately repair to the Place, with neceſſary Aſſiſtance, and command them immediately to diſperſe, *&c.* which, if any of them ſhall refuſe or delay to do, or behave impudently, *&c.* ſuch Conſtables ſhall ſeize and correct the Offenders by Whipping, not exceeding Thirty-nine Stripes. *Ibid.* §. 8.

7. Perſons ſelling, diſpoſing of, or expoſing to Sale, any Strong or Spirituous Liquors, at or near any Public Road, or any Place whatſoever, within Three Miles of the Meeting-Houſes in *Talbot* and *Anne-Arundel* Counties, during the Days on which the Yearly Meetings of the Quakers are held, ſhall, for every ſuch Offence, forfeit 5*l.* Current Money: One Half to the Informer, the other Half to the County School. 1752, *ch.* 14, §. 2.

8. But this Act ſhall not preclude any Licenced Ordinary-keeper, Merchant, or other Perſon reſiding in the ſaid Counties, from ſelling ſuch Liquors at their Dwelling-Houſes, during ſuch Meetings, ſo as ſuch Liquors (except what is ſold by Licenced Ordinary-keepers) be not drank at the Place where ſold. *Ibid.* §. 3.

See *Delegates*, 10, 11, 13. *Diſſenters*, 1. *Marriage*, 11.

QUARE CLAUSUM FREGIT. See *Limitation of Actions*, 1.

QUIT-RENTS. See *Guardians*, 18. *Indians Lands*, 1, 2. *Inſpectors*, 46.

INDEX.

RACES. See *Quakers*, 5.

RANGERS.

1. No Perſon ſhall apply to the Governor, for a Commiſſion to range the Woods and Foreſts after Wild Neat Cattle and Horſes, without producing a Certificate under Hand of the Juſtices of the County Court where he is to range, ſetting forth, that he is of good Fame. Nor ſhall any Perſon ſo commiſſioned, appoint any Deputy to range as aforeſaid, except ſuch Perſon ſo deputed be likewiſe approved of by the Juſtices of the County wherein he is to range as a Deputy. 1715, *ch.* 31. §. 6.

2. Rangers ſhall not take up, mark, or diſpoſe of any unmarked Cattle, under Three Years old, on Penalty of ſuffering as if they had no Commiſſion. *Ibid.* §. 7.

3. This Act to be Read in open Court, in every *March* and *November* Court yearly, and given in Charge to the Grand Jury, to enquire of any Breaches thereof by Wood Rangers in the County. *Ibid.* §. 8.

4. Perſons ranging the Woods after wild Neat Cattle and Horſes, without Licence from the Governor, ſhall forfeit 5000lb Tobacco for every ſuch wild Creature by them killed, or taken away alive or dead; one Half to the Support of Government, the other Half to the Informer. *Ibid.* §. 9.

5. Licenced Rangers ſhall not range, *&c.* in any Iſlands or incloſed Grounds, without Leave of the Owner, on Forfeiture of 5000lb Tobacco for every Beaſt ſo killed or taken up therein; one Half to the County Charge, the other Half to the Party grieved, or ſuing for the ſame. *Ibid.* §. 10.

RAPE. See *Negroes*, 37.

REAL ESTATES OF ORPHANS. See *Guardians*, 5, 16—22, 25, 26.

REBELLION. See *Militia*, 7. *War*, 3.

RECEIVERS OF STOLEN GOODS.

Receivers of Stolen Goods, and Aiders of a Thief, in making away with, or concealing of them; ſhall, on Conviction, ſuffer the ſame Corporal Puniſhment as the Thief. 1715, *ch.* 26, §. 2.

See *Thieving and Stealing*, 2. *Horſe Stealers.*

RECOGNITION. See *Proteſtant Succeſſion.*

RECOGNIZANCE. See *Limitation of Actions*, 6. *Manumiſſion of Slaves*, 3.

RECORDS.

1. The Secretary, Regiſter in Chancery, Commiſſary, Regiſter of the Land Office, the ſeveral County Clerks, nor any of their Deputies, Officers or Under Clerks, having the keeping of the Secretary's, Chancery, Commiſſary's, Land or County Court Offices, committed to them, ſhall take upon themſelves the keeping of the reſpective Records, or receive any Fees, Profits, *&c.* from their ſeveral Offices, till they have entered into Bond with Two ſufficient Sureties, having viſible Landed Eſtates within this Province (for the finding at his own Expence good and ſufficient Record Books, making true and perfect Records and Entries, preſerving, repairing, *&c.* all the Books, Papers, and Records, remaining in, or added to his Office,) during his Continuance therein, *&c.* (*See the Condition at large, in* 1742, *ch.* 10, §. 2,) *viz.*

The Secretary for the Provincial Office	£. 3000	Currency.
——————for the Chancery Office	1000	
The Commiſſary-General, for the Commiſſary's Office - - - - - - -	3000	
The Regiſter of the Land-Office - -	3000	
The ſeveral County Clerks, each -	1000	

1716, *ch.* 1, §. 3 and 6; and 1742, *ch.* 10, §. 2.

2. Which Bonds ſhall be entered into, in the Name of the Lord Proprietary, *viz.* for the Provincial, Chancery, Commiſſary, and Land Offices, before Two Provincial Juſtices, who ſhall cauſe the Witneſſes to

ſuch Bonds, immediately to make Probat thereof before them: Which Probat ſhall be endorſed on the Bond, and, together therewith, be Entered into the Provincial Land Records, and the Original lodged in the Council-Office. 1716, *ch.* 1, §. 3.

3. The County-Clerk's Bond ſhall be entered into in like Manner, before the County Court, and immediately Proved before the Court, or Two County Juſtices, and entered by the Clerk in the County Records for Conveyance of Land, and the Original Bond lodged in the Council-Office. *Ibid.* §. 6.

4. Copies of ſuch Bonds, Atteſted under Hand and Seal of Office, of either the Clerk of the Provincial or County Courts, ſhall be good Evidence to maintain any Action brought for Breach of the Condition. *Ibid.* §. 3 and 6; and 1742, *ch.* 10, §. 3.

5. Any Perſons may put ſuch Bond in Suit for any particular Breach thereof, to their reſpective Damages, without any formal Aſſignment of the Bond; and ſhall have the Damages, (aſſeſſed by a Jury) awarded them by the Court wherein recovered, out of the Penalty.—But, in caſe of Non-Suit, the Proſecutor (whoſe Name ſhall always be endorſed on the Back of the Original Proceſs) ſhall pay the Defendant full Coſts of Suit. 1716, *ch.* 1, §. 5 and 6.

6. An Order from the Lower Houſe of Aſſembly, or the Provincial Court, ſhall oblige the Attorney-General to ſue the Bonds given for the Provincial, Chancery, Commiſſary, or Land Office, for ſecuring the Public from all Charges of putting or preſerving the ſaid Records in Repair. *Ibid.* §. 5.

7. A County Clerk's Bond may be put in Suit by Order of the County Court, for the Indemnity of the County. *Ibid.* §. 6.

8. But neither the Public nor County ſhall be burdened with Coſts of Non-Suit, when there ſhall happen to be Proſecutors. *Ibid.* §. 7; and 1742, *ch.* 10, §. 5.

9. The Provincial Juſtices may, as often as they ſee Cauſe, oblige the Secretary, Commiſſary-General, Regiſter in Chancery, and Regiſter of the Land-Office, to renew their Bonds, with other Sureties, where they ſhall diſapprove the Ability of the former. 1716, *ch.* 1, §. 4; and 1742, *ch.* 10, §. 6.

10. The County Courts may, in like Manner, oblige their reſpective Clerks to renew their Bonds with other Sureties, where they diſapprove the Sufficiency of the former. 1742, *ch.* 10, §. 4.

11. No Part of the Penalty of ſuch Bonds (on Suit and Recovery) ſhall be applied to any other Uſe than making good the Damages to the Public, Counties, or Private Perſons, according to the true Intent of this and the Original Act. *Ibid.* §. 7.

12. No Clerk or Regiſter, except Pariſh-Regiſters, ſhall remove any Books, Papers or Records, out of their reſpective Public Offices, and keep, or ſuffer the ſame to be kept out of their Public Offices, at any Time between Eleven at Night, and Six in the Morning; on Penalty of 10*l.* Currency for each Offence: One Half to the Informer, the other Half to the County School. Provided ſuch Proſecutions be commenced within Six Months after the Offence committed. 1747, *ch.* 3, §. 10 and 11.

13. But County Clerks may remove out of their reſpective Public Offices the laſt recording Book for Judgments by them kept, together with the Four laſt Court Dockets and Papers; and the ſame may keep at their own Houſes, or other convenient Places within the County, for ſuch Time as to them ſhall ſeem neceſſary, without incurring the Penalties in the foregoing Article mentioned. 1748, *ch.* 7, §. 2.

14. Perſons convict of wilfully or corruptly embezzelling, impairing, razing, or altering any Will or Record, within this Province, whereby the Eſtate of Inheritance or Freehold, of any Perſon whatſoever, ſhall be defeated, injured, or any ways altered, ſhall forfeit all their Goods, Chattels, Lands and Tene-

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ments: One Half to the Support of Government, the other Half to the Party grieved; and ſhall alſo be Pillored, Nailed, and Cropped. 1715, *ch.* 11.

See *Court Houſes*, 15.

RECTOR. See *Schools*, 1—10.

RED FOXES.

1. Perſons killing any Red Fox in the Counties of *Kent*, *Queen Anne*'s, and *Talbot*, and bringing the Head to any Juſtice of the Peace for the aforeſaid Counties, (which Magiſtrate ſhall deſtroy the ſame, and give a Certificate thereof,) ſhall be allowed 20 lb Tobacco for every ſuch Head, in the County Levy. 1749, *ch.* 9, §. 3.

2. But no ſuch Allowance ſhall be made to any others than Reſidents in the ſaid Counties; nor to them, unleſs it ſhall appear (by Oath or Affirmation) that ſuch Fox was actually killed in the County where the Allowance is prayed. *Ibid.* §. 4.

3. Such Allowance may be diſcharged as all other Public and County Levies are diſcharged. *Ibid.* §. 5.

REGISTER of a Free School. See *Schools*, 31.

REGRATORS. See *Ingroſſers*.

RELIGIOUS WORSHIP. See *Church of England*.

REPLEVIN. See *Limitation of Actions*, 1.

RESIDENTS.

1. No Perſon ſhall hold any Office of Truſt or Profit within this Province, either by himſelf or his Deputy, who hath not reſided therein for the full Space of Three Years; except Perſons who have immediate Commiſſion from the Crown. 1704, *ch.* 93, §. 1, 2.

2. Perſons ſo commiſſioned by the Crown, ſhall actually inhabit in this Province, and exerciſe their Offices in their own Perſons, and not by Deputy, without particular Leave from the Crown. *Ibid.* §. 3.

3. For removing all Doubts that may ariſe, concerning the Perſons who ſhall be deemed Inhabitants of this Province, ſo as to reap the Benefit of the Laws as Inhabitants; it is declared, that no other Perſon is hereby intended, but ſuch as have actually lived and inhabited within this Province for the full Term of Three Years; and that they only ſhall reap the Benefits, *&c.* as aforeſaid, in their own Right. 1721, *ch.* 9, §. 4.

4. Inhabitants of *Charles-Town* in *Cæcil* County, after one Year's Reſidence therein, ſhall be adjudged Reſidents of this Province, and enjoy all the Rights, *&c.* of Reſidents. 1742, *ch.* 23, §. 20.

See *Bacon*, &c. 6, 7. *Collectors*, 1. *Country Bottoms*, per Tot.

RESIDUARY LEGATEE may ſue the Executor or Adminiſtrator after Twelve Months. See *Adminiſtrators*, 15.

RESISTING. See *Negroes*, 31, 44, 45.

RIGHT OF THE CAUSE. See *Advancement of Juſtice*, 1. *Small Debts*, 1.

RIGHTS to Town Lands ſecured. See *Town Lands*.

RINGS. See *Guardians*, 8.

ROADS. See *Highways*.

ROBBERY.

Not to be tried in the County Court. 1715, *ch.* 26, §. 1. See *Thieving*, 1.

ROYAL PREROGATIVE. See *Schools*, 3, 20.

RULES OF COURT. See *Provincial Court*, 2. *County Court*, 13.

RUM. See *Liquors Imported*.

RUNAWAYS.

1. Servants by Indenture, Cuſtom of the Country, or Hire, travelling by Land or Water, Ten Miles from Home, without a Note from their Maſter, *&c.* or Overſeer, ſhall be liable to be taken up, and ſuffer as Runaways. 1715, *ch.* 44, §. 1.

2. Perſons travelling out of their own Counties, without a Paſs under the County Seal (for which they ſhall pay 10 lb Tobacco, or One Shilling in Money) and not being ſufficiently known, or able to give a good Account of themſelves to the Magiſtrate before whom they ſhall be brought, ſhall be deemed Runaways, and ſuffer accordingly. *Ibid.* §. 5.

3. Every Perſon ſeizing or taking up ſuch Runaways travelling without Paſſes, and not able to give Account of themſelves as aforeſaid, ſhall receive 200 lb Tobacco from the Owner of ſuch Runaway Servant, Negro, or Slave, ſo apprehended. And if ſuch Runaway be not a Servant, and refuſe to pay the ſame, he or ſhe ſhall make Satisfaction by Servitude or otherwiſe, as the Juſtices of the Provincial or County Courts ſhall think fit. *Ibid.* §.

4. *Indians* ſeizing an[illegible]rvant or Slave, and bringing them before [illegible]e, ſhall have a Match-Coat, or the Value thereof, paid by the County wherein apprehended. And ſuch Runaway, if not a Slave, ſhall reimburſe the County by Servitude or otherwiſe, as the Juſtices ſhall think fit. *Ibid.* §. 7.

5. Perſons apprehended as Runaways, ſhall be carried before the next County Magiſtrate, who is impowered to take them into Cuſtody, or otherwiſe ſecure and diſpoſe of them, till they find Security to anſwer at the next County Court, as he ſhall think fit. And the Court ſhall ſecure them till they make Satisfaction, as by this Act is required, to the Party apprehending them; unleſs they make ſuch Satisfaction before the Court ſhall happen. *Ibid.* §. 8.

6. That Maſters, *&c.* may have Notice of Runaway Servants, *&c.* Notes of the Names of Perſons ſo apprehended, ſhall be ſet up at the adjacent County Courts, Provincial Court and Secretary's Office, for public View. *Ibid.*

7. For every Runaway Servant or Slave, taken up in *Pennſylvania* or *Virginia*, and delivered to ſome Magiſtrate in this Province, the Owner ſhall pay 400 lb Tobacco and Caſk, or Forty Shillings in Money to the Perſon ſo doing, on his producing a Certificate from the Magiſtrate or Sheriff, of the Delivery of ſuch Runaway: Except Runaways brought from *Accomack* into *Somerſet* County, or that Side of *Virginia* next the River *Patowmack*, for which only 200 lb Tobacco, or Twenty Shillings, ſhall be paid. For which Sums ſuch Runaway ſhall make Satisfaction by Service or otherwiſe, beſides ſuch Recompence for Abſence as the Court ſhall adjudge. *Ibid.* §. 19.

8. Free-men, ſo apprehended, and refuſing ſuch Payment, ſhall be Committed, till Satisfaction be made or ſecured. *Ibid.* §. 20.

9. Perſons taken up as ſuſpected Runaways, (except Negroes and Mulattoes) and committed by a Magiſtrate to the Sheriff or Jaylor, ſhall not be held in Cuſtody longer than Six Months. And, if ſuch Perſon can, within that Time, make Proof that he is no Servant, he may, by any Two Juſtices of the County, be diſcharged, on ſerving the Sheriff or Jaylor, ſo many Days as he or ſhe was in Cuſtody, or paying 10 lb Tobacco per Day, and alſo paying the Perſon who took him or her up, 200 lb Tobacco, or Twenty Days Service in lieu thereof. And the Sheriff or Jaylor, detaining ſuch Perſon after Order of the Juſtices, or Expiration of the Six Months, and Payment of Fees, ſhall be liable to an Action of falſe Impriſonment. *Ibid.* §. 35.

10. Sheriffs, having any Runaway Servants or Slaves committed to their Cuſtody, after One Month's Notice to the Owner, if living in this Province, or Two Months Notice, if living in any neighbouring Province, if ſuch Owner do not appear within the Time limited, and pay or ſecure the Impriſonment Fees and Charges of taking up; ſuch Sheriff ſhall ſet up Notes appointing the Time (not leſs than Ten Days after the Time limited as aforeſaid) and Place for ſelling ſuch Servants or Slaves by Public Vendue, and pay himſelf the Impriſonment Fees, and alſo pay the Charges due upon taking them up, out of the Produce

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duce of the Sale; and ſhall only be accountable to the Owner for the Reſidue. Perſons ſued for any Thing done in purſuance of this Act, may plead the General Iſſue: And in caſe of Non-Suit, &c. ſhall have double Coſts. 1719, *ch.* 2.

See *Attachment*, 7. *Indians*, 6. *Manumiſſion of Slaves*, 3.

RUNAWAY SLAVES. See *Negroes*, 31, 43—47.

S.

[illegible] OATH P[illegible]KING.

1. PERSO[illegible]ll [illegible]ke on Sundays, or commanding Cattle, under their Children or Slaves to work, or proſs as if the Lord's Day by Gaming, Fiſhing, Fowling, Hu[illegible]g, or other unlawful Paſtimes, &c. ſhall, on Conviction before a ſingle Magiſtrate, forfeit 200 lb Tobacco, to the Uſe of the County. 1723, *ch.* 16, §. 10.

2. Any Houſe-keepers ſelling Strong Liquors on Sunday, (except in Caſes of abſolute Neceſſity) or ſuffering Drunkenneſs, Gaming, or unlawful Sports or Recreations in their Houſes, ſhall forfeit 2000 lb Tobacco: One Half to the Uſe aforeſaid, the other Half to the Informer. *Ibid.* §. 11.

3. All Informations for Sabbath-breaking ſhall be made within One Month after the Fact. And all Proſecutions for ſelling Liquors, and ſuffering Drunkenneſs and Gaming on the Sabbath-Day, within Six Months. *Ibid.* §. 13.

SAILORS.

1. Public-Houſe-keepers truſting any Sea-faring Men, (not being Reſidents within this Province) for any Sum above Five Shillings, in any one Voyage, without Leave from the Commander of the Ship, &c. ſhall loſe their Debt: And any Note, Bill, Bond, &c. taken by a Public-Houſe-keeper for ſuch Debt, ſhall be void. 1712, *ch.* 10, §. 2.

2. Victuallers, &c. entertaining or harbouring Sailors, without Licence of their Maſter, to the Hinderance of the Ship or Commander, ſhall be liable to the Penalties of ſuch as deal with Servants. *Ibid.* §. 3. See *Harbourers of Servants*, 1, 2, 3.

3. This Act ſhall not extend to the Maſter or Chief Mate of any Veſſel. *Ibid.* §. 4.

SCALES. See *Weights.*

SCALPS. See *Squirrels.*

SCHOOL-MASTERS. See *Jurors*, 4.

SCHOOLS.

K. William's School at Annapolis.

1. A School to be eſtabliſhed at *Anne-Arundel* Town, for educating Youth in Latin, Greek, Writing, &c. to conſiſt of one Maſter, one Uſher, one Writing-Maſter, and One Hundred Scholars; to be called K. William's School, and managed by Truſtees, capable in Law of holding Lands to the Value of 1500 *l.* Sterling, and all other Perſonal Eſtate of the Gift of any Perſon whatſoever, to be by them diſpoſed of to the building and eſtabliſhing of the ſaid School, and raiſing 120 *l.* Sterling *per Annum*, for the Salary of the aforeſaid Maſter, &c. and the neceſſary Repairs and Improvements of the ſame. 1696, *ch.* 17, §. 2 and 3.

2. The ſaid Truſtees are incorporated into a Body Politic, by the Name of the Rectors, Governors, Truſtees and Viſitors of the Free Schools of *Maryland*; with full Power to plead and be impleaded, &c. And they, or any other Perſons, have Power to give, grant, &c. any Lands, &c. to the Value of 1500 *l.* Sterling *per Annum*, to the ſaid Governors, &c. incorporate, and their Succeſſors, for ever, for the Uſes aforeſaid. *Ibid.* §. 4 and 5.

3. The Truſtees are impowered to make Bye-Laws for the good Government of the School, to be obſerved by the Maſters and Scholars; ſuch Rules being no way contrary to the Royal Prerogative, the Laws of *England* or *Maryland*, nor the Canons, &c. of the Church of *England*. *Ibid.* §. 6 and 7.

4. The Number of the Governors and Viſitors, always to be Eighteen, and not exceeding Twenty. One of which to be choſen Rector, and to exerciſe that Authority for the Year, and after, till another be duly Elected and Sworn to that Office, and ſo on in Succeſſion. And, on the Death or Removal of any Viſitors out of the Province, the Rector, and other Governors and Viſitors, may chuſe one or more of the Principal and better Sort of Inhabitants of the Province, to fill up the Vacancy: Which Viſitors, ſo choſen, ſhall take an Oath before the Rector and other Viſitors, well and faithfully to execute the ſaid Office. *Ibid.* §. 8 and 9.

5. The Rector, by Advice and Conſent of Three or more Viſitors, may call the Governors and Viſitors together, who may hold their Court or Convocation in the Free School, and puniſh any Diſorders or Offences of any Maſter or Scholars, againſt the Laws of the School; and diſplace any Maſter, &c. and put others in their Steads. *Ibid.* §. 10.

6. The Rector, Governors, &c. to have a Common Seal, which they may uſe in all Cauſes and Buſineſſes relating to the Schools, and may break, change, and renew the ſame at Pleaſure. *Ibid.* §. 11.

7. The Rector, Governors, &c. as ſoon as enabled by Donations, exceeding 120 *l.* per Year, allowed (*Art.* 1,) for the Support of the Firſt School at *Severn*, ſhall eſtabliſh a Second School at *Oxford*, with the like Allotment of 120 *l.* per Year for the Support thereof; and, after that, to erect and eſtabliſh more Free Schools, *viz.* One in each County, &c. allotting to each the Sum of 120 *l. per Annum*. *Ibid.* §. 12 and 13.

8. The Lot given by Governor *Nicholſon*, and Houſes thereon, are confirmed to the Rector, Governors and Viſitors, to the Uſe of the Free School in *Annapolis*, for ever; notwithſtanding the Want of Writings, or any Record thereof. 1715, *ch.* 4, §. 2.

9. The Rector and any Number of Governors and Viſitors, not leſs than Five, are enabled to execute the ſeveral Powers and Authorities given to a Majority of the Members of the Corporation by the above Act of 1696. *Ibid.* §. 3.

10. The Rector and Viſitors impowered to ſell *Surveyor's Foreſt*, in *Dorcheſter* County, deviſed to them by *Thomas Smithſon*, Eſq; and alſo the Houſes and Lots in *Annapolis*, &c. and to lay out the Purchaſe Money on Intereſt, for Payment of the Maſter, &c. 1750, *ch.* 26.

Duties *appropriated to the Support of* Schools.

11. For the following Goods exported out of this Province, by Non-Reſidents, *viz.*

Dried Beef or Bacon, per C.W[t]. 12 *d.* and ſo in Proportion for a greater or leſſer Quantity.

Pork or Beef, undried, per Barrel, containing 200 W[t]. 12 *d.*

to be collected by the Naval Officers, who ſhall account annually for the ſame to the Public Treaſurers, &c. 1704, *ch.* 27, §. 1 and 5. See *Bacon*, &c.

12. For the following Goods imported for Sale by Non-Reſidents, *viz.*

Pork *per* Barrel,	-	-	1 s. 0
—— *per* C.W[t].	-	-	0 6
Pitch *per* Barrel,	-	-	1 0
Tar *per* Barrel,	-	-	0 6

to be collected by the Naval Officers, &c. 1723, *ch.* 11, §. 2. See *Pitch*, &c.

13. For all Negroes imported by Land or Water, and for all *Iriſh* Servants, being Papiſts, imported, 20 *s.* Currency per Poll. 1717, *ch.* 10; and 1728, *ch.* 8, §. 4, 5. See *Iriſh Servants*, 3—5. *Negroes*, 9, 15.

14. A farther Additional Duty of 40 *s.* Currency per Poll, on all Negroes imported by Land or Water, 1763, *ch.* 28, §. 1. See *Negroes*, 15.

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15. One School ſhall be erected in each County, at the moſt convenient Place, near the Center of the County, *&c.* at the Diſcretion of the Viſitors. 1723, *ch.* 19, §. 2.

16. Seven Commiſſioners are appointed for each County, and named *Viſitors*, and inveſted with ſufficient Authority, for diſcharging the Duties and Truſts repoſed in, and required of them by this Act. *Ibid.* §. 3.

17. The Viſitors, ſo appointed, ſhall qualify by taking the Oaths, *&c.* appointed by the Act of 1716, *ch.* 5; and alſo the Oath of a Viſitor, *viz.* duly and faithfully to diſcharge the Duties and Truſts committed to him as Viſitor, *&c.* And the ſame Oaths ſhall be adminiſtered to any Viſitor, hereafter elected according to this Act, by the Perſon firſt Named that ſhall be preſent. *Ibid.* §. 4.

18. The Perſons ſo qualified, or the major Part of them, ſhall be conſtituted Viſitors of their County School, and inveſted with full Power, as a Body Politic, to Plead, and be Impleaded, Sue, or be Sued, *&c.* in any Courts of this Province. *Ibid.*

19. The Viſitors, or any other Perſons whatſoever, have full Power to give, grant, *&c.* any Manors, Lands, Tenements, Rents, *&c.* whatſoever, to the Viſitors, ſo incorporate, and their Succeſſors, for ever, to the Value of 100*l.* Sterling *per Annum*, for the Uſe of ſuch Schools. *Ibid.*

20. The Perſons ſo incorporate and their Succeſſors, ſhall be true and ſole Viſitors of ſuch Schools, in perpetual Succeſſion, with full Power to make Laws, Orders and Rules, for the good Government of the Schools, from Time to Time, as they ſhall think fit. Such Rules being no way contrary to the Royal Prerogative, the Laws of *England* or of this Province, or to the Canons, *&c.* of the Church of *England*. *Ibid.* §. 5 and 6.

21. For perpetuating the Succeſſion of Seven Viſitors for each School: Upon Death or Removal of any Viſitor out of the Province or County, the remaining Viſitors, or major Part of them, ſhall elect one or more principal Inhabitants of the County, into the Place of the Viſitor or Viſitors ſo dead or removed, ſo as to fill up the full Number of Viſitors for each School: Which Perſons ſo elected, ſhall qualify as before mentioned. *Ibid.* §. 7.

22. The Viſitors of each School, ſhall purchaſe 100 Acres of Land, or more, for the Uſe of ſuch School, having ſpecial Regard to the Conveniency, *&c.* as before directed: Of which Land they ſhall aſſign ſuch Part as they ſhall ſee meet (not exceeding the Moiety) to be built upon, and Cleared for Corn, Grain and Paſturage, for the Uſe of the Maſter; the other Moiety to be preſerved in Woodland Ground, and no otherwiſe uſed by the Maſter (without Leave of the Viſitors) than for neceſſary Fire-wood, and Repairs of the Houſes and Fences. *Ibid.* §. 8.

23. No Maſter, by himſelf or others, ſhall be permitted to plant Tobacco on the School Land. *Ibid.*

24. If there be no ſufficient Building on the Land ſo purchaſed, the Viſitors ſhall employ Workmen, *&c.* for building a Dwelling-Houſe and neceſſary Conveniencies for the Maſter, and keeping a School therein, and for clearing Ground ſufficient for the Uſes aforeſaid. *Ibid.*

25. The Viſitors ſhall take all proper Methods for encouraging good School-Maſters, who ſhall be Members of the Church of *England*, of exemplary Lives, and capable of teaching Grammar, Writing and Mathematics, if ſuch can be had. *Ibid.*

26. Each Maſter (for the preſent) beſides the Benefit of the Plantation, ſhall have 20*l. per Annum:* And the Viſitors ſhall take ſuch future Meaſures, from Time to Time, as may give due Encouragement to one or more Maſters, and be uſeful in improving, *&c.* ſuch School. *Ibid.*

27. The Viſitors ſhall meet at leaſt four Times a Year, to conſider and direct the Affairs of the School. *Ibid.* §. 9.

28. The Money already raiſed (viz. *by the Acts of* 1704, *ch.* 27, *and* 1717, *ch.* 10, *ſee above*, Art. 11 *and* 13, *and which then laid undiſpoſed of, in the Hands of the Public Treaſurers*) for the Uſe of County Schools, ſhall be divided into Twelve equal Parts, according to the Number of Counties, and the Treaſurers to make due Payment of one of the ſaid Parts to the Viſitors of each County, or their Order, as they have Occaſion to draw for the ſame. And the like Payment ſhall be made by the Treaſurers of the like Dividend, hereafter ariſing due to ſuch Schools. Which Money the Viſitors ſhall, from Time to Time, diſpoſe of as ſhall be moſt for the Advancement of ſuch Schools. *Ibid.* §. 10.

29. The Viſitors of each County School are enabled to hold any Manors, Lands, *&c.* given to the Uſe of the ſaid Schools, to the Value of 1500*l.* Sterling: And all other Goods, Chattels, Money, and Perſonal Eſtate whatſoever, beſtowed or bequeathed to the ſame Uſe. *Ibid.* §. 11.

30. They are likewiſe authorized to receive all Fines, *&c.* ariſing due to their ſeveral County Schools, in whoſe Hands ſoever they may be lodged. And, on Refuſal, or Delay of Payment, may recover the ſame, according to the Powers given them as a Body Politic by this Act. All which ſhall be applied to the Uſes aforeſaid. *Ibid.*

31. The Viſitors are impowered to appoint a Regiſter, and allow him a reaſonable Salary; who ſhall keep a fair Account of their Proceedings, Application of Monies, *&c.* Which Proceedings ſhall, at all Times, be ſubject to the Examination of the General Aſſembly. *Ibid.* §. 12.

32. Perſons appointed or elected Viſitors, refuſing or delaying to act, ſhall forfeit 500 ℔ Tobacco, for the Uſe of the School of that County. *Ibid.* §. 13.

33. If any Viſitor of a Public School ſhall wilfully refuſe or neglect to meet at the Times appointed for the Meeting of the Viſitors, ſo that the neceſſary Affairs of the School cannot be tranſacted; the Majority of Viſitors meeting, ſhall chuſe another Perſon in his Room, who ſhall qualify as directed in the Act of 1723, *ch.* 19. (*See above*, Art. 17 *and* 21.) 1728, *ch.* 8, §. 2.

34. Maſters of the Public Schools ſhall Teach as many poor Children, *gratis*, as the Viſitors ſhall order, or immediately be diſcharged, and other Maſters put in. *Ibid.* §. 3.

35. The Viſitors of the Free School of *Kent* County, enabled to divide Part of the School Lands into Lots, and Leaſe the ſame out for the Uſe of the Maſter; or, in caſe of Vacancy, the Rents to be applied by the Viſitors to the Benefit of the School, *&c.* 1741, *ch.* 1.

36. *Somerſet* County being divided, and a new County erected thereout, by the Name of *Worceſter* County, Viſitors are appointed for *Worceſter* County School, and inveſted with the ſame Powers as the Viſitors of other County Schools. 1746, *ch.* 7, §. 1, 2.

37. The Money ariſing within this Province, for the Uſe of County Schools, which, after the 29th *September* 1746, ſhall come into the Public Treaſurers Hands, ſhall be divided into Thirteen equal Parts: And the Treaſurers ſhall make due Payment of one of thoſe Thirteen Parts to the Viſitors of *Worceſter* County School, *&c.* who are impowered to diſpoſe thereof as may be meet for the Encouragement, *&c.* of the ſaid School. *Ibid.* §. 3.

38. The Viſitors of *St. Mary*'s County School were enabled to chuſe Viſitors by 1753, *ch.* 19; and were enabled to ſell the old School-Houſe and Land, and to purchaſe other Land whereon to build a new School-Houſe, by 1758, *ch.* 13.

39. The Viſitors of *Worceſter* County School enabled to purchaſe Four Lots in *Snow-hill* Town, and erect

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erect a School thereon, inſtead of the 100 Acres required by the original Act; (*ſee above*, Art. 22,) and are alſo entitled to a Dividend of the Money remaining in the Hands of the Viſitors of *Somerſet* County School, at the Diviſion of the Counties. 1763, *ch.* 16.

10. Certain Viſitors are appointed, and impowered to purchaſe One Acre of Land in *Frederick-Town*, and build thereon a School, *&c.* for *Frederick* County. The ſaid Viſitors to qualify in the ſame Manner, be ſubject to the ſame Penalties, and be inveſted with the ſame Rights, Powers, *&c.* and have Succeſſion, as the Viſitors of the other County Schools within this Province: And to have an equal Dividend of all the Duties, Taxes, *&c.* collected for the Uſe of County Schools from the 29th *September* laſt, *&c.* 1763, *ch.* 32.

See *Fines and Forfeitures*, 8—11. *Inteſtate's Eſtates*, 3—5.

SCIRE FACIAS.

In what Caſe to be ſerved on Suit of a Sheriff's or Teſtamentary Bond. See *Adminiſtration Bonds*, 6.

See alſo *Attachment*, 3, 8. *Execution*, 1. *Stay of Execution*, 6.

SEAFARING MEN.

The Depoſitions of Seafaring Men, and others, whoſe Buſineſs calls them out of the Province, when ſuch Actions ſhould regularly come to Trial, taken before Two Provincial Juſtices, in Preſence of the Adverſe Party, (or, in his Abſence, if upon Notice given he refuſes to be preſent, the Notice being proved) ſhall be as good Evidence in any Court, as if delivered *vivâ voce*. 1721, *ch.* 14, §. 2.

SEALS.

Any Perſon who ſhall counterfeit the Great Seal of this Province, or the Sign Manual or Seal at Arms of the Lord Proprietary, or any other of the Public Seals of this Province, and the ſame make Uſe of within this Province; or ſhall ſteal away any of the true Seals, or, without lawful Authority, ſhall falſely, corruptly, or with evil Intent, affix them to any Deed, Warrant, or other Writing, and afterwards publiſh, or make Uſe of any ſuch Deed, *&c.* within this Province, as if ſuch Seals had been thereunto fixed by lawful Authority, ſhall forfeit all his Goods, Lands, *&c.* One Half to the Public School of the County where the Offence ſhall be committed, and the other to the Informer or Perſon ſuing for the ſame; and ſhall be Whipped, Pillor'd, and Baniſhed from the Province for ever. 1717, *ch.* 8.

SEATED PLANTATIONS. See *Highways*, 10. *Hog Stealers*, 3.

SECRET SALES, *&c.*

1. No Property ſhall be transferred to any Purchaſer, Mortgagee, or Donee, of any Goods or Chattels, remaining in Poſſeſſion of the Vendor, Mortgagor, or Donor, unleſs by Writing, acknowledged before One Provincial, or One Magiſtrate of the County, and recorded in the County Records within Twenty Days. 1729, *ch.* 8, §. 5.

2. But this Act ſhall not make void any ſuch Sale, Mortgage or Gift, againſt ſuch Seller, Mortgagor or Donor, his Executors, *&c.* only, or any other claiming under him, her, or them. *Ibid.* §. 6.

See *Negroes*, 50.

SECRETARY. See *Acts of Aſſembly*, 3—6. *Curſing*, &c. per Tot. *Paſſes*, 1—3. *Records*, per Tot.

SECRETARY's OFFICE. See *Acts of Aſſembly*, 3, 4. *Annapolis*, 18. *Paſſes*, 1. *Taxables*, 6.

SERVANTS.

1. Servants by Indenture, Cuſtom of the Country, or Hire, travelling by Land or Water, Ten Miles from Home, without a Note from their Maſter, *&c.* ſhall be liable to be taken up, and ſuffer as Runaways. 1715, *ch.* 44, §. 1. See *Runaways*.

2. Servants unlawfully abſenting themſelves from their Maſters, *&c.* ſhall make Satisfaction by Servitude or otherwiſe, at the Diſcretion of the County Court, not exceeding Ten Days Service for One Day's Abſence; beſides reaſonable Coſts for taking up. *Ibid.* §. 2.

3. Perſons wittingly or willingly entertaining any Servants unlawfully abſenting themſelves, *&c.* forfeit 100 lb Tobacco for every Hour ſuch Servant ſhall be ſo entertained or permitted to be about their Houſes or Plantations. 1748, *ch.* 19, §. 2. See *Harbourers of Servants*, 1—3.

4. Servants or Slaves, harbouring or entertaining other Servants or Slaves, (unlawfully abſent,) for One Hour, or more, are puniſhable (on Complaint to any ſingle Magiſtrate) by Whipping, not exceeding Thirty-nine Stripes. *Ibid.* §. 4.

5. No Perſon ſhall deal with any Servant, whether Hired or Indented, or with any Slave, without Leave or Licence from the Maſter or Owner, under Penalty of 2000 lb Tobacco: One Half to the Support of Government; the other Half to the Maſter, Miſtreſs, or true Owner of the Goods. 1715, *ch.* 44, §. 10.

6. If the Goods ſo dealt for, exceed the Value of 1000 lb Tobacco, the Owner thereof ſhall have Action of Damage againſt the Party dealing for the ſame: And, Offenders, not being able to ſatisfy the ſame, ſhall be bound over to the Provincial or County Court; and, on Conviction, ſhall be puniſhed by Whipping, with Thirty Stripes. *Ibid.* §. 11, 12.

7. Servants, imported without Indentures, if above Twenty-two Years old, ſhall ſerve Five Years:—If between Eighteen and Twenty-two, Six Years:—If between Fifteen and Eighteen, Seven Years: And, if under Fifteen, they ſhall ſerve till they arrive at the full Age of Twenty-two Years. *Ibid.* §. 13.

8. Servants tranſported out of *Virginia*, ſhall compleat ſuch Time of Servitude here, as they ought to have ſerved there, and no more. *Ibid.* §. 14.

9. Owners of ſuch Servants, claiming more than Five Years Servitude, ſhall bring them into the County Court, within Six Months after receiving them into their Cuſtody; which Court ſhall adjudge their Ages, and cauſe the ſame to be recorded.—Every Owner, neglecting or refuſing ſo to do, ſhall not only ſtand to the Determination of the Court, but alſo forfeit 1000 lb Tobacco for the Support of Government: And either Maſter or Servant aggrieved by ſuch Determination, ſhall have Remedy, by producing, within the Time determined for their Service, an authentic Certificate of ſuch Servant's Age. *Ibid.* §. 15.

10. The Time of Servitude of all Servants imported, ſhall commence from the firſt Anchoring of the Veſſel within this Province. But all the Days ſuch Veſſel ſhall tarry in *Virginia*, within the Capes, above Fourteen Days, ſhall be adjudged Part of the Service. *Ibid.* §. 16, 17. *For the Time of Servitude of Convict Servants*, ſee *Convicts*, 1—7.

11. Indentures made by any Servant, during Servitude, ſhall be void. *Ibid.* §. 18.

12. Maſters, *&c.* not providing ſufficient Food, Lodging and Cloathing, for their Servants, or burdening them beyond their Strength, debarring them of neceſſary Reſt, exceſſively beating and abuſing them, or giving them above Ten Laſhes for any One Offence, may, on Conviction in the County Court, be fined a Sum, not exceeding 1000 lb Tobacco, to the Support of Government, for the Firſt and Second Offence:—And, for the Third Offence, the Court ſhall ſet ſuch Servant Free. *Ibid.* §. 21.

13. But, if the Maſter think the Servant deſerves greater Correction, he may carry ſuch Servant before a Magiſtrate, who may order the ſame, not exceeding Thirty-nine Laſhes. *Ibid.* §. 22.

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14. Any Woman Servant, ſuffering herſelf to be got with Child by a Negro, or other Slave, or by any Free Negro, ſhall, after the Time of her Servitude, and Satisfaction for Damage, become a Servant again for Seven Years, and her Time to be diſpoſed of by the County Court.—Any White Man Servant, begetting any Negro Woman with Child, ſhall undergo the ſame Penalty.—And the Children, ſo begotten, ſhall become Servants till they arrive at the Age of Thirty-one Years. *Ibid.* §. 26—28.

15. Baſtard-bearing Servant Women, not being able to prove the Father, ſhall ſatisfy Damages by Servitude, or otherwiſe: But, if ſhe prove the Charge, then the Father, if a Servant, ſhall pay half Damages: —If a Freeman, he ſhall ſatisfy the whole Damage by Servitude, or otherwiſe, as the Court ſhall think fit.—If ſuch Freeman cannot be brought to Juſtice, ſhe ſhall ſatisfy the whole, as if no ſuch Proof had been made.—If a Promiſe of Marriage be Proved againſt ſuch Freeman, he ſhall be at his Choice either to perform ſuch Promiſe, or recompence her Abuſe, as the Court ſhall adjudge. *Ibid.* §. 29, 30.

16. The Provincial and County Courts are impowered to hear and determine any Complaints between Maſters and Servants, by Way of Petition; and give Judgment, and award Execution thereon. And no ſuch Judgment ſhall be reverſed, on Appeal, or Writ of Error, for want of Proceſs, Jury, Form, *&c.* unleſs it appear by the Record that the Defendant was not ſummoned, or not heard. And all other Diſputes between Maſters and Servants, relating to Indentures, Contracts, Wages, *&c.* are determinable by Petition as aforeſaid. *Ibid.* §. 31, 32.

17. Servants, feloniouſly taking or purloining their Maſter's Goods, under the Value of 1000 lb Tobacco, ſhall be adjudged Felony. And ſuch Servant, on Conviction, ſhall be adjudged to pay fourfold by Servitude, and alſo be Whipped and Pillor'd. *Ibid.* §. 34.

18. Perſons conveying any Servants out of the Province, ſhall ſatisfy ſuch Damage to the Owners of ſuch Servants, as the Court ſhall think fit. 1715, *ch.* 19, §. 3.

19. Perſons tranſporting or conveying any Perſons over *Suſquehanna* River, or any Part of the Bay above the North Side of *Saſſafras* River, on the Eaſtern Shore, or over *Patowmack* or *Pocomoke* Rivers, in to *Virginia*, without a Paſs, or Certificate under the Hands of Two County Juſtices, and the County Seal, that they are Free-men, *&c.* ſhall be anſwerable to the Maſters or Owners of ſuch Servants for all Damages. *Ibid.* §. 4.

20. Perſons inticing, tranſporting, or ſecretly carrying or ſending away out of this Province, any Apprentice, or other Servants or Slaves, ſhall forfeit to the Employer or Owner, treble the Damages and Coſts for the Time of ſuch Apprentice, or other Servant or Slave. *Ibid.* §. 5.

21. All Fees, due on the Proſecution of Imported Servants, at the Suit of the Proprietary, ſhall be paid by the Owners of ſuch Servants: Which Owners (unleſs in caſe of Conviction and Execution for Capital Offences) ſhall have Recompence for ſuch Fees, by ſuch Servitude, not exceeding Three Years, as the County Court ſhall think proper, if ſuch Servant cannot make Payment otherwiſe. 1727, *ch.* 2, §. 2, 3.

22. Baſtard Children of Women Servants ſhall be maintained by the Maſter or Owner of ſuch Servants, during the Mother's Servitude. And, if the Father is unknown, or incapable to make Satisfaction, the Mother ſhall be adjudged to make Recompence by Servitude, or otherwiſe.—But, if the Father be a Reſident, of Ability to maintain the Child, and convicted of begetting the ſame, the County Court may oblige him to maintain it. *Ibid.* §. 4—6.

23. Imported Servants, committing Offences puniſhable by Impriſonment, ſhall ſerve their Owners Day for Day, and no more, which their Owners ſhall loſe of their Service by ſuch Impriſonment. 1750, *ch.* 5, §. 1.

24. Such Servants being fined for Breach of the Peace, their Owners ſhall pay the Fine, and the Servants ſhall make Satisfaction for the ſame, by Service or otherwiſe, at the Expiration of their firſt Time of Servitude. *Ibid.* §. 2.

25. The ſeveral County Courts, where the Caſe ſhall happen, ſhall determine any Diſputes which may ariſe between Owners and their Servants, in the above Caſes, and adjudge them according to this Act. *Ibid.* §. 3.

See *Convicts*, per Tot. *Country Bottoms*, 2, 7. *Freedom Dues*, per Tot. *Guardians*, 13. *Harbourers of Servants and Slaves*, per Tot. *Indians*, 6. *Ingroſſers*, 1, 3. *Maſters of Ships*, 3—5. *Militia*, 4. *Mulattoes*, 1. *Muſters*, 4. *Negroes*, 3—6, 33, 47. *Runaways*, per Tot. *Tobacco Inſpected*, 5.

SERVITUDE. See *Criminal Fees*, 1, 4. *Harbourers of Servants and Slaves*, 5. *Indians*, 6. *Marriage*, 13. *Negroes*, 3—6, 33, 47. *Runaways*, 3, 4. *Servants*, 2, 7—11, 14, 15, 21, 22, 24. *Thieving*, 3, 4.

SHEEP. See *Annapolis*, 3. *Guardians*, 7.

SHERIFFS.

1. Copies of the Acts paſſed in each ſucceſſive Aſſembly, ſhall be ſent, by Writ under the Great Seal, to the Sheriff of each County, directing them to publiſh them at their next County Court; and then to be lodged with the County Clerk. 1715, *ch.* 25, §. 1.

2. Sheriffs ſhall collect the Amerciaments with the Levy, and have Power to Diſtrain, or Levy the ſame, by Way of Execution. 1715, *ch.* 41, §. 11; and 1722, *ch.* 12, §. 1.

3. How the Sheriff ſhall proceed on Attachments. See *Attachments*, 3—7.

4. No Sheriff, or his Deputy, ſhall plead as an Attorney in the Court wherein he bears Office, on Penalty of 3000 lb Tobacco. 1715, *ch.* 41, §. 9.

5. The Sheriff ſhall not take a Bail-Bond in any Action of Treſpaſs, exceeding 8000 lb Tobacco, *&c.* See *Bail-Bonds*, 1.

6. Sheriffs ſhall deliver the Appointment of Conſtables to the ſeveral Perſons appointed, or leave the ſame at their uſual Places of Abode, within Ten Days after receiving the ſame from the County Clerk, on Penalty of 20 Shillings Currency for each Neglect. 1752, *ch.* 7, §. 2.

7. Conſtables ſhall deliver fair Liſts of the Taxables in their ſeveral Hundreds, to the Sheriff, by the 1st *Auguſt*, yearly: And the Sheriff ſhall return a fair Copy of the Liſt of Taxables in the County, to the Secretary's Office, by the 20th of *September*. 1719, *ch.* 12, §. 5, 6.

8. For the Sheriff's Duty with Regard to Elections; ſee *Delegates*, 4, 6, 10—13.

9. How to proceed on Writ of *Fieri facias*; ſee *Fieri facias*, per Tot.

10. The Sheriff ſhall deliver the Warrants to the ſeveral Overſeers of Roads appointed by the Court, *ex Officio*, on Penalty of 1000 lb Tobacco in Caſk: And is impowered to levy, by Way of Execution, all Fines on Perſons not appearing, when Warned, on the Highways, *&c.* of which a Liſt ſhall be given him by the County Clerk. See *Highways*, 7, 9.

11. Sheriffs ſhall forward the Signification of Inſpectors refuſing to ſerve, *&c.* to the Clerk of the Council, in like Manner as Public Letters are to be forwarded. 1763, *ch.* 18, §. 42.

12. In what Manner Jurors ſhall be ſummoned to the Provincial and County Courts. See *Jurors*, 1, 2.

13. For the Sheriff's Duty with reſpect to Public Letters; ſee *Letters Public*, 1, 4.

14. The Sheriff ſhall not be allowed any Fee for executing for Public or County Levies. 1724, *ch.* 21, §. 2.

15. On

I N D E X.

15. On laying the Levies, Six per Cent ſhall be levied and allowed to the Sheriff, and Five per Cent on the Clergy's 30 per Poll. 1763, *ch.* 18, §. 22, 23.

16. The Sheriff ſhall be allowed 5 per Cent for collecting Parochial Taxes. See *Veſtry*, 27.

17. For all other Matters relating to the Levies; ſee *Levies*, 16—28.

18. The Sheriff, or his Deputy, ſhall Read the Act for preventing the tumultuous Meetings, &c. of Negroes and other Slaves, &c. in every County Court: On Forfeiture of 500 lb Tobacco for every Omiſſion. 1723, *ch.* 15, §. 8.

19. The Sheriff's Certificate to the Public Treaſurer, of the actual Execution, or Death of any Slave under Confinement, after Condemnation, is neceſſary, in order for the Owners to receive the Value of their Condemned Slaves. See *Negroes*, 36, 42, 45.

20. Slaves committing Felony of Death, ſhall be committed to the Sheriff, in order to be tried the next Aſſize or County Court. 1751, *ch.* 14, §. 4.

21. Sheriffs ſhall cauſe the Act for the more effectual Puniſhment of Negroes, and other Slaves, &c. to be read at the Court-houſe Door, on the Second Day of each County Court, on Forfeiture of 5*l.* Current Money for every Neglect, &c. *Ibid.* §. 11.

22. Sheriffs ſhall Read the Act entitled, *An Additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves*, on the Wedneſday of each reſpective County Court, having firſt given Notice of ſuch Reading, by Proclamation, at the ſeveral Ordinaries, or Houſes of Entertainment, near to the Court-Houſe, on Pain of forfeiting 500 lb Tobacco: One Half to the County School, the other to the Informer, for every Neglect. 1748, *ch.* 19, §. 5.

23. For the Sheriff's Duty, with reſpect to Runaways when committed to his Cuſtody; ſee *Runaways*, 9, 10.

24. No Sheriff ſhall execute for Officers Fees, where the Party ſhall produce the former Sheriff's Receipt, or otherwiſe make appear the ſame to be paid; on Penalty of treble the Sum Executed, and Coſts, to the Party grieved. 1715, *ch.* 46, §. 6.

25. Sheriff's Bonds ſhall be taken in the ſeveral County Courts in the Form preſcribed in this Act: Which Bond ſhall be tranſmitted by the County Juſtices to the Secretary's Office within Two Months; on Forfeiture of 1500 lb Tobacco. And the Secretary, or his Chief Clerk of the Provincial Court, ſhall lay the Bonds, ſo received, before the Governor, at the next Council, for his Approbation or Diſallowance of the Securities. *Ibid.* §. 7—9.

26. The County Courts ſhall require and take new Security of the Sheriffs, yearly, in a Penalty anſwerable to the Public Charge of their reſpective Counties; but in no Caſe leſs than 200,000 lb Tobacco. *Ibid.* §. 9.

27. Sheriffs, againſt whom no juſt Complaint is made, may be continued in Office Three Years ſucceſſively, but no longer. *Ibid.* §. 10.

28. Bonds, Bills or Writings obligatory, taken by Sheriffs in their own Counties, during their Continuance in Office, without endorſing the Account on the Back thereof, for which the ſame was paſſed, ſhall be void, and not recoverable in Law. But, that they may receive no Damage by ſuch Reſtraint, the Time they remain in Office ſhall not be reckoned in the Act of Limitation. *Ibid.* §. 13, 14.

29. No Sheriff ſhall charge more than ſingle Impriſonment Fees, though the Party be in Priſon at the Suit of ſeveral Perſons. *Ibid.* §. 15.

30. Where any Inhabitants ſhall have any Allowance in Public or County Levies, payable (by the Paper Money Act of 1733, *ch.* 6,) in Bills of Credit at 10*s.* per Hundred, and at the ſame Time are chargeable with Tobacco in the ſaid Levies, which may be payable in Money by the 10th *April*, yearly; the ſeveral Sheriffs ſhall be obliged to diſcount ſuch Tobacco, ſo far forth as their reſpective Allowances in ſuch Levies ſhall amount to, either before, or after the 10th *April*, yearly. 1742, *ch.* 7, §. 3.

31. The ſeveral Sheriffs ſhall, on the Firſt Day of *June* Court, yearly, make out Two Alphabetical Liſts of the Names of the Perſons in their reſpective Counties, who are chargeable with any Public Dues, &c. inſerting the Tobacco with which every ſuch Perſon is chargeable; and the Money, if any, paid in Diſcharge thereof, by the 10th *April* then next preceding, and make Oath to the Truth thereof: One of which Liſts ſhall be delivered to the Court, and the other ſet up at the Court-Houſe, for the Inſpection of all Perſons concerned: And ſhall pay, &c. every particular Creditor ſo much Money as ſhall bear the ſame proportion to the whole of his Allowance, as the whole Money, ſo paid by the ſaid 10th *April*, bears to the whole Public, &c. Charge, in that County, payable in Money. *Ibid.* §. 4, 5.

32. The Sheriff ſhall, on or before the 1st *March*, yearly, ſet up Notes at the Church Doors, and other Public Places, giving Notice of a certain Day in each Week, on which he, or his Under-Sheriff will give conſtant Attendance at the Court-houſe, from Nine in the Morning, till Five in the Afternoon, from the ſaid 1st *March* to the 10th *April* incluſive, excepting the Week in which *March* Court is held; and for Two Days next before the ſaid 10th *April*, (Sunday excepted) for receiving the Levies. *Ibid.* §. 6.

33. Perſons, tendering their reſpective Quotas, or any Part of the Money due for their Levies, to the Sheriff, or his Deputy, at the High Sheriff's Dwelling-houſe, or at the Court-houſe, during *March* Court, or at the Places and Times ſo as aforeſaid appointed, before One or more credible Witneſſes; and ſuch Sheriff, &c. refuſing or neglecting to receive the ſame; ſuch Perſons ſhall not, at any Time afterwards, be obliged to pay Tobacco for ſuch Levies, or ſo much thereof as they had tendered Money for; but ſhall be at their own Election to pay the ſame in Money or Tobacco. *Ibid.* §. 7.

34. Sheriffs ſhall comply with the Act of 1742, *ch.* 7. (*See above*, Art. 30—33,) ſo far as relates to Diſcount, making out, &c. Liſts of Levies, and of the Money paid, or Certificates returned, by ſuch as make no Tobacco; Attendance to receive the Dues, and proportionable Payment thereof in Money or Tobacco, to Public Creditors. 1763, *ch.* 18, §. 28.

For other Matters, ſee *Attorneys*, 7. *Criminal Fees*, 1—3. *Curſing*, &c. per Tot. *Diſcount*, per Tot. *Indians*, 12. *Indians Lands*, 16, 17. *Muſters*, 7, 9. *Officers Fees*, 5, 6. *Public Arms*, 3—9. *Public Creditors*, 1. *Public Dues*, 1. *Public Goal*, 1, 2. *Special Bail*, 1—3. *Stay of Execution*, 1, 2.

SHERIFFS BONDS. See *Adminiſtration Bonds*, 4—6. *Levies*, 19. *Limitation of Actions*, 8. *Navigation Bonds*, 2. *Public Creditors*, 1.

SHIPS. See *Boats*, 1, 2.

SHOPS. See *Houſe-breaking*, 2.

SHRINKAGE. See *Inſpectors*, 21.

SILVER. See *Gold and Silver*.

SINGLE MAGISTRATE.

1. A Single Magiſtrate can take Probat of any Accounts. See *Accounts*, 2.

2. Any Provincial or County Juſtice, being informed on Oath, &c. that any Perſon is actually run away, &c. and is really indebted to the Perſon making Application, &c. may iſſue his Warrant to the Clerk of the Court, who ſhall iſſue Attachment thereon in the uſual Form, &c. See *Attachment*, 9.

3. Any County Magiſtrate may commit any ſingle Perſon, or Free-man brought before him by a Conſtable, till ſuch Perſon ſhall procure ſome Houſe-keeper to return him as a Taxable, and be anſwerable for his Levy. 1719, *ch.* 12, §. 7.

4. Any

4. Any Provincial or County Magiſtrate, on Application or Suſpicion, may examine any of the Ship's Crew touching their Knowledge of Convicts; and ſuch Examination or Depoſition ſhall be good in Law as if given in Court *vivâ voce*. 1728, *ch.* 23, §. 11.

5. For the Duty of Single Magiſtrates with reſpect to the View of Orphans Lands, *&c.* ſee *Guardians*, 16, 17.

6. Servants or Slaves, harbouring or entertaining other Servants or Slaves (unlawfully abſent) for one Hour or more, are puniſhable, on Complaint to any Single Magiſtrate, by Whipping, not exceeding Thirty-nine Stripes. 1748, *ch.* 19, §. 4.

7. Fines on Perſons for not appearing, or on Owners of Servants for not ſending their Servants on the Highways, when duly warned, ſhall be proſecuted before a ſingle County Magiſtrate. See *Highways*, 9.

8. Any Juſtice of the Provincial or County Court, may hear and determine all private and perſonal Controverſies between the *Engliſh* and *Indians*, not exceeding the Value of 20*s.* Sterling. 1717, *ch.* 14.

9. Inſpectors ſhall annually take the Oath of Office preſcribed in this Section, before any County Juſtice; which Oath ſhall be certified by ſuch Juſtice to the Veſtry of the Pariſh, and entered upon the Pariſh Regiſter Book. 1763, *ch.* 18, §. 9.

10. Single Magiſtrates ſhall obſerve the Demeanour of Perſons before them, in the Execution of their Office, and in Caſe of indecent Behaviour may inform the Court, who are impowered to puniſh the Offenders. See *Magiſtrates*, 2.

11. The Deed of Freedom to any Slave ſhall be acknowledged before one County Magiſtrate. See *Manumiſſion of Slaves*, 4.

12. The Fine of 20*s.* Current Money per Hour, upon any Maſter of a Ship ſuffering Servants, *&c.* to frequent their Ships, *&c.* or concealing them on board, may be recovered, with Coſts, in a ſummary Way before a Single Magiſtrate. See *Maſters of Ships*, 5.

13. A Single Magiſtrate may Try any Slave charged with Pilfering or Stealing, and on Proof thereof may award Puniſhment by Whipping, according to the Nature of the Crime, not exceeding Forty Laſhes. 1717, *ch.* 13, §. 6.

14. Any Negro or other Slave convicted before a Single Magiſtrate of ſtriking any White Perſon, ſuch Magiſtrate may cauſe one of the offending Slave's Ears to be cropped. 1723, *ch.* 15, §. 4.

15. Reſiſting Slaves being killed ſhall be immediately valued by two reputable Perſons, not of Kin to the Owner, to be appointed and ſworn (well and truly to value what ſuch Slave was worth to the beſt of their Knowledge without Favour or Partiality) by the then neareſt Magiſtrate; and the whole Value certified by them to ſuch Magiſtrate ſhall be paid to the Owner, or his Order, by the Treaſurer of the reſpective Shore on which ſuch Death happened, out of the Public Stock, on Certificate of ſuch Death and Value by ſuch Magiſtrate. 1751, *ch.* 14, §. 9.

16. The Deed of Gift of any Slave, whereof the Donor ſhall retain the Uſe and Poſſeſſion, ſhall be under Hand and Seal, and acknowledged before a Provincial Juſtice, or one Juſtice of the County wherein the Donee reſides, *&c.* See *Negroes*, 50.

17. On the Death, Removal, Sickneſs, *&c.* of any Preſs-Maſter, the next Juſtice of the Peace ſhall appoint another in his Place. 1715, *ch.* 43, §. 11.

18. Single Magiſtrates are impowered to adminiſter the Oaths to the Government, *&c.* See *Proteſtant Intereſt*, 1, 4, 5, 6.

19. Deeds of Sale, *&c.* where the Goods or Chattels remain in Poſſeſſion of the Vendor, Mortgagor or Donor, ſhall be acknowledged before one Provincial, or one Magiſtrate of the County, *&c.* See *Secret Sales*, 1.

20. Where a Maſter thinks his Servant deſerving of more Correction than Ten Laſhes, he may apply to a

Magiſtrate, who may order the ſame, not exceeding Thirty-nine Laſhes. 1715, *ch.* 44, §. 22.

21. For the Power, Duty and Juriſdiction of a ſingle County Magiſtrate in the Caſe of Small Debts; ſee *Small Debts*, per Tot.

22. One County Juſtice may take Special Bail on Actions brought in the County Court. See *Special Bail*, 8.

23. *Superſedeas* of Judgment obtained before a Single Magiſtrate in Caſe of Small Debts, may be taken by the ſame or any other Juſtice, *&c.* See *Small Debts*, 4.

24. Single Magiſtrates ſhall take Account of the Marks, *&c.* of Stray Horſes brought before them, *&c.* See *Stray Horſes*, 1.

25. For the Duty and Power of Single Magiſtrates with Regard to Running Tobacco; ſee *Tobacco Run*, 8.

26. For their Duty, *&c.* with reſpect to Traſhy Tobacco; ſee *Tobacco Traſhy*, 1, 3.

For other Matters, ſee *Bears*, 1, 2. *Boats*, 3, 4. *Conſtables*, 2. *Country Bottoms*, 5, 6. *County Clerks*, 4. *Curſing*, &c. per Tot. *Deer*, 1, 2. *Harbourers of Servants and Slaves*, 4. *Incloſures*, 1. *Indians*, 12. *Inſpectors*, 7, 17, 22, 35, 36, 46. *Inſpectors Notes*, 12. *Levies*, 27. *Militia*, 12. *Public Arms*, 10. *Quakers*, 3. *Red Foxes*, 1. *Runaways*, 2, 5, 7. *Squirrels*, per Tot. *Tobacco Inſpected*, 5. *Veſtry*, 5, 15. *Warehouſes*, 6. *Wolves*, per Tot.

SIX NATIONS. See *Indians*, 13.

SKINS. See *Hides*.

SKIPPERS. See *Inſpectors*, 48. *Tobacco Inſpected*, 5, 6, 7, 9.

SLAVES. See *Negroes*. *Manumiſſion of Slaves*.

SLAVES PAST LABOUR. See *Taxables*, 2.

SLOOPS. See *Boats*.

SMALL DEBTS.

1. Where the real Debt or Damage doth not exceed 600 lb Tobacco, or 50 Shillings Currency, any One Juſtice of the County wherein the Debtor reſides, may Try, *&c.* the Matter in Controverſy, and (upon full hearing of the Allegations and Evidence of both Parties) give Judgment thereon according to the Equity and Right of the Matter; and, if need be, charge the Conſtable with the Body of the Debtor in Execution, to be delivered to the Sheriff, with a Mittimus from ſuch Juſtice ſignifying the Debt and Coſt, *&c.* Or the ſame, or any other Juſtice of the County may, within Twelve Months after Rendition of ſuch Judgment, award Execution thereon, by Warrant or Mittimus, directed to the Sheriff, in the Nature of a *Capias ad Satisfaciendum*, *Fieri facias*, &c. And in caſe of *Non eſt* returned upon any ſuch Juſtices Warrant, the Creditor may proceed for obtaining an Attachment in the County Court (according to the Act of 1715, *ch.* 40,) for any Sum exceeding 100 lb Tobacco, or 10*s.* Currency. 1763, *ch.* 21, §. 2.

2. The Defendant being brought in on Warrant, and wanting Witneſſes or Preparation, may be allowed a farther Time, not exceeding Ten Days, to appear and anſwer to the Warrant; giving Security, if awarded by the Juſtice, by Way of Recognizance in the Nature of Bail for his Appearance at the appointed Time and Place, *&c.* Or, in Default of ſuch Security, the Juſtice may commit ſuch Defendant to the Sheriff's Cuſtody till Bail be given. And the Defendant not appearing accordingly, Judgment may be rendered againſt him on ſuch Default, or on an *ex Parte* Hearing, if the Juſtice ſees no Cauſe to the Contrary. And if the principal Debtor ſhall not diſcharge the Judgment, or render himſelf on Execution, returnable at the end of Thirty Days from the iſſuing thereof, a Warrant may be iſſued, and Recovery and Execution had againſt the Bail; ſaving to ſuch Bail the ſame Defence that Special Bail in Courts of Law are entitled to on Return of *ſcire facias*, and Liberty

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SMALL DEBTS.

Liberty of delivering up the principal Debtor on Return of the Warrant, and Payment of Coſts thereon. *Ibid.* §. 3.

3. The Conſtable ſhall give Notice to the Plaintiff or his Agent, if either of them reſide in the Hundred, of the Time and Place where he intends to carry the Defendant before a Juſtice; and if neither the Plaintiff, having Notice as aforeſaid, nor his Agent, nor the Plaintiff or any one for him when ſuch Plaintiff lives out of the Hundred, with or without Notice, ſhall appear on the Return of the Warrant, or at the future Day and Place appointed by the Juſtice, ſuch Juſtice may hear and determine the Controverſy *ex Parte*. *Ibid.* §. 4.

4. *Superſedeas* may be taken on ſuch Judgment by the ſame, or any other, Juſtice of the County, in the ſame Manner as Two Juſtices are directed to take the ſame of any Judgments or Executions thereon rendered in County Courts of Law. *Ibid.* §. 5.

5. County Courts ſhall not hold Plea of Debt or Damage which ſhall not exceed 600 lb Tobacco, or 50 *s.* Currency. *Ibid.* §. 6.

6. The Act of 1715, *ch.* 12, Repealed. *Ibid.* §. 7.

7. Either Party may Appeal from the Determination of a Magiſtrate, where the Sum ſhall exceed 33 *s.* 4 *d.* or 400 lb Tobacco, to the next County Court, which Court ſhall, on Petition of the Appellant, hear the Allegations and Proofs of both Parties in a ſummary Way, and determine thereon according to Equity, *&c.* the ſame Court, without farther Delay: Unleſs it ſhall appear to the Court, that farther Time ought to be given the Party applying, to enable the Court to determine according to Equity and Right of the Cauſe. *Ibid.* §. 8.

8. But no Execution upon Judgment of ſuch Magiſtrate ſhall be Stayed, *&c.* on Appeal, unleſs the Appellant ſhall immediately enter into Bond, with Sureties to be approved of by ſuch Magiſtrate, in double the Sum recovered, with Condition, to proſecute the ſame with Effect according to the Directions of this Act, and alſo to pay the Party, *&c.* in caſe the Judgment ſhall be affirmed, together with all Coſts, *&c.* which ſhall be awarded by the Court. *Ibid.* §. 9.

See *Conſtables*, 11.

SMALL PROVINCIAL CHARGES.

1. For preventing the Charge of annual Aſſemblies, the Governor and Council are impowered, during the Intervals of Aſſemblies, to aſſeſs the ſmall Charges of the Province, in the Time of Peace, by Way of equal Public Levy upon all the Inhabitants. 1715, *ch.* 43, §. 17.

2. Provided the Sums ſo aſſeſſed do not exceed 50,000 lb Tobacco in any one Year. And the Diſburſement of the ſame to be accounted for at the next General Aſſembly. *Ibid.* §. 18.

SOLDIERS. See *Militia*.

SPEAKER OF THE LOWER HOUSE. See *Delegates*, 8. *Letters Public*, 3.

SPECIAL BAIL.

1. Special Bail to Provincial Writs may be given, before the Return of ſuch Writ, in the County where the Defendant is Arreſted, before one Provincial Juſtice, or before the Preſident or any Two Juſtices of the County Court, with two ſufficient Freeholders, ſuch as the ſaid Juſtice or Juſtices ſhall approve of. Which Bail ſhall be delivered to the Sheriff, and by him be returned with the Writ to the Provincial Court. 1715, *ch.* 28, §. 2.

2. If Special Bail be ruled by the Provincial Court, on Requeſt of the Plaintiff's Attorney at calling over the Appearance Docket, the Party againſt whom the Rule is given, if preſent, ſhall give Special Bail in open Court; or elſe be remanded in Cuſtody of the Sheriff who arreſted him, and ſo remain till he procure Special Bail. *Ibid.* §. 3.

SPECIAL BAIL.

3. The Recognizance of Special Bail ſo taken (*ſee the Form in the Act at large*) ſhall be tranſmitted to the Provincial Court, together with a Warrant of Attorney directed to ſome Attorney of that Court, impowering him to enter an Appearance for the Defendant. *Ibid.* §. 4.

4. The Officers ſhall have the ſame Fees, and the Recognizance the ſame Effect, as if taken in Court. *Ibid.*

5. The Juſtices taking ſuch Bail ſhall receive Five Shillings, and no more. *Ibid.*

6. The Provincial Juſtices ſhall make ſuch Rules for juſtifying ſuch Bail, as they think meet, ſo as not to compel perſonal Appearance of the Cognizors. *Ibid.* §. 5.

7. The Juſtices who take Special Bail, may examine the Sureties upon Oath, for their better Satisfaction. *Ibid.* §. 6.

8. One or more County Juſtices may take Special Bail on Actions brought in the County Court, according to the ſame Rules; and the Fee to ſuch Juſtice, ſhall be 2 *s.* 6 *d.* and no more. *Ibid.* §. 7.

9. County Courts are veſted with the like Power of receiving ſuch Bail, as the Provincial Court, and ſhall act therein by the ſame Rules. *Ibid.*

10. In Actions of Trover and Converſion, and of Detinue, the Juſtices of the Court (on Affidavit of the Plaintiff, or other Evidences to their Satisfaction) may award Special Bail againſt the Defendant: And, for Default of ſuch Bail, may commit him till he put in ſuch Bail as is uſual in other Caſes. 1753, *ch.* 17.

See *Appearance*, 1. *Small Debts*, 2. *Witneſſes*, 5.

See 1768. *ch.* 28. §. 5. 6. New form of Recog.ce and 1771 ch 23.

SPECIAL RECORDS of *Anne-Arundel* County.

The Five Books of Records of the Commiſſioners, appointed by the Act of 1705, *ch.* 1, and the ſeveral Judgments, Deeds, and Proceedings in them entered, ſhall be good and effectual in Law, to all Intents and Purpoſes, as Records, notwithſtanding they are not Signed by Three or more of the Commiſſioners, according to the Original Act. 1751, *ch.* 15.

SPECIALTIES.

1. All Bills, Bonds, or other Specialties, taken by any Practitioners of the Law, or County Clerk, ſhall be endorſed for what or how it became due; or, in Default of ſuch Endorſement, ſhall be void. 1715, *ch.* 48, §. 9.

2. No Bill, Bond, Judgment, Recognizance, Statute Merchant, or of the Staple, or other Specialty (except to the Uſe of his Majeſty, his Heirs and Succeſſors) ſhall be good and pleadable after the principal Debtor and Creditor have both been Dead Twelve Years; or the Debt or Thing in Action above Twelve Years ſtanding. Saving to Perſons under the Impediments of Infancy, Coverture, Inſanity of Mind, Impriſonment, or being beyond Sea, the full Benefit of all ſuch Bills, *&c.* for Five Years after ſuch Impediment removed. 1715, *ch.* 23, §. 6.

See *Attorneys*, 8. *Bills of Exchange*, 4. *Limitation of Actions*, 6.

SPEEDY RECOVERY.

The Plaintiff deſiring ſpeedy Recovery in the County Court of any Debt, being above 400 and not exceed 10,000 lb Tobacco, or above 33 *s.* and 4 *d.* and not above 50 *l.* Sterling, ſhall, on ſuing out his Writ, file his Declaration with the County Clerk, who ſhall deliver a Copy thereof with the Writ to the Sheriff, to be ſerved on the Defendant: Which if done Eight Days before the Return of the Writ, the Defendant ſhall be obliged to go to Trial, the ſame Court, without any Imparlance. And in Caſe of the Defendants refuſing to plead, the Court may give Judgment againſt him; except in extraordinary Caſes, at the Diſcretion of the Juſtices. 1715, *ch.* 41, §. 3.

See *Advancement of Juſtice*, 3. *Small Debts*, per Tot.

SPEEDY TRIAL of CRIMINALS. See *Thieving*, 1.
SPIRITS. See *Liquors Imported*.
SPORTS. See *Sabbath-Breaking*.

SQUIRRELS AND CROWS.

1. Every Perſon, having Levies to pay, ſhall produce Three Squirrel Scalps or Crows Heads, yearly, for every Taxable they pay Levy for, to ſome Juſtice of the County, before laying the Levies. *(See below,* Art. 6, *and* 7.) 1728, *ch.* 7, §. 1.

2. The Magiſtrate ſhall deſtroy the Scalps or Heads ſo produced, and give Certificate of the Number produced; which Certificate ſhall be laid before the County Court, at the Time of laying the County Levy, by the Perſon obtaining the ſame; and the ſeveral Certificates, ſo produced, ſhall be compared with the Liſts of Taxables. *Ibid.*

3. Two Pounds of Tobacco ſhall be levied by the County Court, upon every Perſon falling ſhort, for every Squirrel's Scalp or Crow's Head not produced or certified according to this Act; and applied towards defraying the County Charge. *Ibid.* §. 2.

4. An Allowance of 2 lb Tobacco ſhall be made, in the County Levy, for every Squirrel's Scalp or Crow's Head produced by any Perſon more than the Three per Taxable required by this Act. Provided Oath be made, that the Squirrels or Crows were killed in the County where the Allowance is prayed; and the County Court is impowered to levy the ſame on the County. *Ibid.* §. 3 and 4.

5. Every Perſon in the Counties of *Kent*, *Queen-Anne's* and *Talbot*, who ſhall bring to any Magiſtrate in thoſe Counties, the Heads or Scalps of more Squirrels or Crows than the Three per Taxable required by 1728, *ch.* 7, ſhall be allowed 2 lb Tobacco in the County Levy for every ſuch Scalp, *&c.* which Allowances may be diſcharged in the ſame Manner as other Public and County Levies: But no ſuch Allowance ſhall be made but to Reſidents in the ſaid Counties, nor to them unleſs it ſhall appear, by Oath or Affirmation, that ſuch Squirrels, *&c.* were actually killed in the County where the Allowance is prayed. 1749, *ch.* 9, §. 2, 4 and 5.

6. The Act of 1728, *ch.* 4, *(ſee above,* Art. 1—4,) ſo far as the ſame relates to *St. Mary's*, *Somerſet*, *Charles*, *Anne-Arundel*, *Cæcil*, *Calvert*, *Worceſter*, *Prince-George's*, *Frederick*, *Baltimore*, and *Dorcheſter* Counties, is hereby repealed. 1758, *ch.* 11, §. 1.

7. Four Squirrel's Scalps or Crow's Heads ſhall be produced annually to ſome County Magiſtrate, for each Taxable in the aforeſaid Counties, which the ſeveral Magiſtrates (before whom produced) ſhall burn or deſtroy, and give Certificate thereof to each Perſon producing the ſame; which Perſon ſhall lay ſuch Certificate before the County Court, at the Time of laying the County Levy, to be compared with their Liſt of Taxables. And every Perſon falling ſhort of producing a Certificate of Squirrels Scalps or Crows Heads in proportion to their Taxables, ſhall pay 2 lb Tobacco for every Scalp, *&c.* which they ſhall fall ſhort as aforeſaid: To be levied as other Public and County Levies are, and applied towards defraying the County Charge. *Ibid.* §. 2, 3.

8. The Juſtices of *Baltimore* County Court ſhall annually, at laying the County Levy, allow to Inhabitants of that County, 2 lb Tobacco for every Squirrel's Scalp, or Crow's Head, produced over and above the Three Scalps or Heads which they are obliged to produce by former Laws. 1762, *ch.* 34, §. 1.

9. Perſons producing any ſuch Scalps or Heads to any Juſtice of *Baltimore* County, and making Oath that the Squirrels or Crows were actually killed within the ſaid County, after the 11th *June* 1762, ſhall receive a Certificate of the Number, *&c.* from ſuch Juſtice, (who ſhall firſt burn the ſaid Scalps, *&c.* to the entire deſtroying of the ſame,) and ſuch Certificate ſhall entitle the Perſon to the Quantity of Tobacco herein directed to be paid, in the next Levy of the ſaid County. *Ibid.* §. 2—4.

10. Such Allowances may be paid by the Inhabitants in Money, in the ſame Manner as Public or County Levies. *Ibid.* §. 5.

STAMPING. See *Inſpectors*, 18, 49. *Standard*, 3—8.

STANDARD.

1. The Juſtices of the ſeveral County Courts are required to compleat their Standards of *Engliſh* Weights and Meaſures, where defective; and to provide new ones, where wanting, at the County Charge: And ſhall take Security to the Uſe of the County from their Standard Keepers, in the Penalty of 50*l.* Sterling, for the ſafe keeping ſuch Standards, for the due Execution of their Office, and delivering up the ſame in like good Order, when legally diſcharged from ſuch Truſt. 1715, *ch.* 10, §. 2.

2. Juſtices, neglecting herein, forfeit 500 lb Tobacco each; to be recovered againſt them, jointly or ſeparately, in the Provincial Court: One Half to the Support of Government; the other Half to the Informer. *Ibid.*

3. Steelyards for receiving Tobacco, ſhall be Tried, Stamped, and Numbered, yearly, by the Standard-Keeper: who ſhall have 1*s.* Fee for every ſuch Trying and Stamping. *Ibid.* §. 3.

4. Buſhels, Half-Buſhels, Pecks, Gallons, Pottles, Quarts and Pints, ſhall be Tried and Stamped as aforeſaid (except ſuch as are Stamped in *England*) for which Stamping, 6*d.* a Piece ſhall be paid. *Ibid.*

5. Perſons ſelling by any Dry Meaſures, not Tried and Stamped at the Standard, forfeit 500 lb Tobacco. *Ibid.* §. 4.

6. Perſons receiving Tobacco by Steelyards, which have not been ſo Tried and Stamped within the Year, forfeit 1000 lb Tobacco. *Ibid.* §. 5.

7. One Half of the Forfeitures *(in Art.* 5 *and* 6,) ſhall be towards defraying the County Charge, the other Half to the Informer; and to be recovered in the County Court, by Action of Debt, *&c. Ibid.*

8. If any Perſon refuſe to pay Tobacco by Steelyards ſo Tried and Stamped within the Year, and oblige the Owner to have them Tried again, if they be found true, the Perſon ſo refuſing, *&c.* ſhall pay for new Stamping; but if not, the Owner of the Steelyards ſhall pay for the ſame. *Ibid.* §. 6.

STAPLE. See *Hemp and Flax*.
STATUTE MERCHANT. See *Limitation of Actions*, 6.

STAY of EXECUTION.

1. No Execution for Debt or Judgment ſhall iſſue out of any Court, againſt the Body or Goods of any Inhabitant of this Province, from the 10th *May* to the 10th *November* in any Year *(but ſee below,* Art. 7,) for any Debt, *&c.* recovered in the Provincial or County Courts; Provided the Debtor come with two ſufficient Securities, before One Provincial or Two County Magiſtrates, and confeſs Judgment for the Debt and Coſts, in the Manner preſcribed in this Act *(which ſee, for the Form)* which ſhall be ſigned by the Juſtices before whom made; and a Certificate thereof under their Hands ſhall be a ſufficient *Superſedeas* to the Sheriff to forbear Execution. 1715, *ch.* 33, §. 2 and 3.

2. If the Party be taken in Execution, ſuch Certificate obtained afterwards, ſhall be a ſufficient *Superſedeas* to the Sheriff to releaſe the Priſoner, paying Impriſonment Fees. *Ibid.* §. 4.

3. The Preſident, or Two Juſtices of any County Court, are impowered to ſuperſede Execution of Judgment rendered in the Provincial Court, as fully as any Juſtice of the Provincial Court. *Ibid.* §. 5.

4. In all Judgments or Decrees obtained in the Court of Appeals, or Chancery, or Commiſſary's Court, or of ſmall Debts before a Juſtice of the Peace, the Perſon againſt whom obtained, ſhall have the ſame

Advantage

I N D E X.

STAY OF EXECUTION.

Advantage of Stay of Execution, purſuant to the Act of 1715, *ch.* 33, as if particularly mentioned therein. 1721, *ch.* 4, §. 2.

5. The Juſtices before whom Judgments for the Stay of Execution ſhall be confeſſed, ſhall make due Return thereof to the Clerks of the reſpective Courts, where ſuch Judgments or Decrees were obtained, to be by them entered upon Record. And thoſe confeſſed for Small Debts, recovered before a ſingle Magiſtrate, ſhall be returned to the County Clerk, to be by him entered upon Record. For which Entry, the ſeveral Clerks ſhall have 5 lb Tobacco Fee, and no more. *Ibid.* And 1715, *ch.* 33, §. 4.

6. Which ſeveral Clerks, after the 10th *November*, yearly, (*but ſee* Art. 7,) ſhall, on Application, iſſue Execution, as well againſt the Principal as Sureties, for Recovery of the Sums mentioned in the *Superſedeas*, without *Scire facias*, or other Delay. 1715, *ch.* 33, §. 4; and 1721, *ch.* 4, §. 3.

7. The Time in the above recited Acts of 1715, *ch.* 33, and 1721, *ch.* 4, ſhall hereafter be changed from the 10th *November*, to the 10th *February*; and the Words (on the 10th *November* next) in the Confeſſion, ſhall be changed to theſe Words (on the 10th *February* next.) And it ſhall not be lawful for any Perſon to ſue out any Judgment ſo ſuperſeded, till after the 10th *February*, next enſuing. 1728, *ch.* 24, §. 4—6.

8. Where any Execution ſhall be iſſued againſt the Body and Goods of any Inhabitant of this Province, before the 10th *May*, in any Year, and ſuch Perſon ſhall not be taken by virtue of ſuch Execution, till after the 10th *May*, ſuch Perſon, whoſe Body or Goods ſhall be ſo taken, may ſuperſede in the ſame Manner as if ſuch Execution had iſſued after the 10th *May*, in any Year. 1732, *ch.* 22.

See *Injunctions*, 1, 2. *Small Debts*, 4, 8.

STEALING. See *Horſe-ſtealing*. *Negroes*, 21. *Thieving*.

STEALING OF SLAVES. See *Negroes*, 35.

STEELYARDS. See *Standard*.

STOCKS. See *Curſing*, &c. 3. *Magiſtrates*, 2. *Single Magiſtrate*, 1.

STORE-HOUSES. See *Houſe-breaking*, 2.

STRAY HORSES.

1. Any Horſe, Mare, or Gelding, that ſhall Break into any Incloſure, and the Owner not known, may be taken up and carried by the Party grieved before a Magiſtrate; who ſhall take an Account of the Marks, both Natural and Artificial, of ſuch Beaſt: Which the ſaid Party ſhall ſet up in the moſt Public Places of the County. (*But ſee the following* Art.) And then may Uſe and Employ ſuch Horſe, *&c.* not injuring the ſame by Careleſs or Wilful Means, till the Owner be known: And ſhall deliver ſuch Beaſt in good Order to the Owner, proving his Property by One Witneſs, before any Magiſtrate. 1715, *ch.* 31, §. 4.

2. The Party grieved, who ſhall take up any Treſpaſſing Horſe, *&c.* ſhall ſet up the Account of the Marks, taken as above by a Magiſtrate, at the Court-houſe Door, and other Public Places in the County, within Five Days, and cauſe the Marks to be recorded among the County Records: And ſhall cauſe the ſame to be publiſhed in the *MARYLAND* GAZETTE, within 6 Months after ſuch Account taken. And the Expences paid by the Owner of ſuch Horſe, *&c.* at the Time of receiving the ſame. 1750, *ch.* 25, §. 2.

3. Perſons taking up ſuch Horſes, *&c.* and acting contrary to this Act, ſhall forfeit 30 *l.* Currency for every Offence: One Half to the Informer, the other Half to the Party grieved; to be recovered in the County Court, by Action of Debt, *&c.* *Ibid.* §. 4.

SUBORNATION. See *Perjury*.

SUITS AT LAW.

1. No Suit ſhall be brought againſt a Debtor in any other than the County Court where he reſides, when the original Debt or Damage doth not exceed 20 *l.* Sterling, or 5000 lb Tobacco, on Penalty of a Non-ſuit, and paying the Defendant's Charges. 1714, *ch.* 4, §. 2.

2. The Penalty of any Bond, or Writing Obligatory, ſhall not entitle the Plaintiff to Sue in any other than the County Court, unleſs the real Sum in the Condition amount to 20 *l.* Sterling or 5000 lb Tobacco. *Ibid.* §. 3.

3. But Actions may be brought in the Provincial Court on Covenants, though the real Damage or Sum recovered, may not amount to 20 *l.* Sterling, or 5000 lb Tobacco, ſo as the Penalty of ſuch Covenant Bond exceed that Value. *Ibid.* §. 4.

4. Except Bonds for Payment of Bills of Exchange, which ſhall not be ſued in any other than the County Court, unleſs the Sum due on ſuch Bill of Exchange, amount to 20 *l.* Sterling. *Ibid.*

5. This Act ſhall not extend to the Benefit of Perſons abſconding, or flying from Juſtice in the County where they live; but ſuch may be arreſted in any County. *Ibid.* §. 8.

See *Arreſts*.

SUMMARY PROCEEDINGS. See *Servants*, 16, 25. *Small Debts*, 7.

SUNDAY. See *Sabbath-breaking*.

SUPERSEDEAS. See *Stay of Execution*.

SUPPORT OF GOVERNMENT.

1. One Shilling Sterling per Hogſhead, for all Tobaccoes ſhipped for Exportation within this Province, ſhall be paid to her Majeſty, her Heirs and Succeſſors, for the Support of Government. 1704, *ch.* 42, §. 2.

2. The ſaid Duty ſhall be paid by every Maſter of any Ship or Veſſel, in which Tobacco ſhall be Exported, before Clearance and Departure of the Ship. *Ibid.* §. 3.

3. Such Maſters, at their firſt Arrival, and before taking any Goods on Board, ſhall give Security for the Payment of the ſaid Duty. *Ibid.*

4. Maſters of Ships, *&c.* at the Time of Clearing out, ſhall declare, upon Oath, (to be adminiſtered by the Naval Officer) the Quality and Quantity of his Lading. And, on Refuſal of ſuch Oath, or Suſpicion of Fraud, the Naval Officer may enter on Board, and Search, *&c.* *Ibid.* §. 5.

See *Lord Proprietary*, 4. *Fines*, 3—5.

SURETIES. See *Adminiſtrators*, 23—26. *Advancement of Juſtice*, 5—7. *Bonds*, 2—5. *Inſpectors*, 14—16. *Orphans*, 2, 8, 9. *Records*, 1, 9, 10. *Stay of Execution*, 1, 6.

SURVEYORS.

1. No Surveyor commiſſioned by the Lord Proprietary, or by any Perſon impowered by his Lordſhip, ſhall preſume, by virtue of his Lordſhip's Warrant, to meaſure or ſurvey any Lands, before taking the Oaths to the Government, and alſo an Oath for the faithful Execution of his Office, to be adminiſtered in the County Court where he ſhall officiate; on Forfeiture of 100 *l.* Sterling. One Half to the Support of Government, the other Half to the Informer. 1707, *ch.* 23, §. 4.

2. Deputy Surveyors, if they return any erroneous Certificates to the Examiner General, the Party for whoſe Uſe the Survey is made ſhall not be burdened with double Fees; but ſuch Deputy Surveyor ſhall pay the Examiner General Fees for Re-examining. 1763, *ch.* 18, §. 113.

SWEARING. See *Curſing*.

T.

TAR. See *Pitch*.

TAXABLES.

1. All Male Reſidents, and all Female Slaves (alſo Female Mulattoes born of White Women, and Free Negro

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TAXABLES.

Negro Women, by the Act of 1725, *ch.* 4,) above the Age of Sixteen Years, shall be accounted Taxables. 1715, *ch.* 15, §. 5.

2. Except beneficed Clergy of the Church of *England*, Persons receiving Alms from the County, and Slaves adjudged by the Court to be past Labour. *Ibid.*

3. The Constable shall repair in Person, by the 20th *June*, yearly, to every Habitation in his Hundred, and demand from the chief Person in every Family, a List, under their Hands, of all their Taxables. And every Master, Mistress, or other chief Person, refusing or delaying to give such List, or in their Absence to leave such List at their Dwelling-houses or Quarters, or in such Account or List concealing any Taxable, shall, for every Taxable so concealed or not given in, forfeit 500 lb Tobacco: One Half to the County School, the other Half to the Informer. *Ibid.* §. 3 and 4, and 1719, *ch.* 12, §. 2.

4. No Person shall be taken as a Taxable who shall not be imported on or before the 1st of *June* in that Year. *Ibid.* §. 3.

5. Unsettled Freemen, found in any Hundred, may be taken by the Constable and carried before the next Magistrate for the County; and (unless it be made appear that they are Residents, or taken as Taxables in some other County) may be committed 'til they procure some House-keeper to return them as Taxables, and be answerable for their Levy. *Ibid.* §. 7.

6. Constables shall return their Lists of Taxables to the Sheriff, yearly, by the 1st of *August*, and the Sheriff shall return a fair Copy of the List of Taxables in the County to the Secretary's Office by the 20th *September*. *Ibid.* §. 5 and 6.

7. And shall also return another List to the next County Court, to be there set up. 1715, *ch.* 15, §. 3.

See *Constables*, 5—7.

TAXES.

No Subsidies, Aids, Customs, Taxes or Impositions, shall be raised on the Freemen of this Province, without Consent of the General Assembly. 1650, *ch.* 25.

TENDER. See *Hemp and Flax*, 1, 3. *Inspectors*, 43. *Inspectors Notes*, 1. *Tobacco Debts*, 7.

TEST. See *Oaths to the Government*.

TESTAMENTARY BONDS. See *Administration Bonds*, per Tot. *Administrators*, 23—26. *Limitation of Actions*, 7.

THIEVING AND STEALING.

1. County Courts are impowered to hold Plea of, adjudge and determine, all Thieving and Stealing of Goods and Chattels, under the Value of 1000 lb Tobacco; Robbery, Burglary and House-breaking, excepted. 1715, *ch.* 26, §. 1.

2. Persons convicted of Thieving and Stealing, shall be punished by paying Four-fold the Value of the Goods so Stolen (such Value always to be adjudged by the Court) and the Goods so Stolen to be restored to the Party grieved; and also by putting in the Pillory, and Whipping so many Stripes, not exceeding Forty, as the Court shall adjudge. *Ibid.*

3. If the Criminal be not able to satisfy the Four-fold, or be a Servant, he shall receive Corporal Punishment, and satisfy the Four-fold and Fees of Conviction, by Servitude. *Ibid.*

4. The Term of Servitude of a Free Person so convicted, shall commence from the Time of Conviction; and of a Servant so convicted, at the Expiration of his present Servitude: Which Time, &c. shall be adjudged by the Court, either to the Party grieved, or any other Person the Court shall order, that will then and there pay or secure the Four-fold and Costs. *Ibid.* §. 2.

5. Receivers of Stolen Goods, and Aiders of the Thief, shall, on Conviction, suffer the like corporal Punishment with the Thief. *Ibid.*

6. Persons once convicted of such Thieving, and presented again for Stealing above the Value of Twelve Pence, shall not be Tried in the County Court, but proceeded against in the Provincial as simple Felons, and shall not be punished by Death, but by paying the Four-fold, Branding with a hot Iron, or such other corporal Punishment as the Court shall adjudge, saving Life. The County Clerk shall send such Presentment, together with a Copy of the former Conviction, if in that Court, or else make known to the Attorney-General in what Court such former Conviction was, if to him known; under Penalty of 500 lb Tobacco for the Support of Government. And the Witnesses, if in Court, shall be bound to give Evidence, and if not, their Names, &c. sent to the Attorney-General, in Order to be Summoned. And the Party presented shall be bound over, if in Court, otherwise to be proceeded against according to Law. *Ibid.* §. 3.

See *Hog-stealing*, 3. *Receivers of Stolen Goods*, 1.

THREE COUNTY JUSTICES. See *Tobacco Inspected*, 5.

TIMBER. See *Highways*, 13. *Indians Lands*, 13. *Water Mills*, 2.

TOBACCO DEBTS.

1. Tobacco Debts, due before the 16th *May* 1747, being discharged in Inspected Tobacco, shall have a Deduction of one Fourth Part. 1763, *ch.* 18, §. 70.

2. Where the Intention hath been that Payment shou'd be made in Tobacco, tho' the Traders Books have been kept in Money, the Creditor shall be paid in Inspected Tobacco at the general Rates such Creditor dealt at the Time of the Contract; deducting one Fourth of the Demand out of the Payment in Inspected Tobacco, in case of Debts contracted before the 16th *May* 1747. *Ibid.* §. 71.

3. All Judgments, Bonds, Mortgages, &c. or other Securities of any Kind for Payment of Money instead of Tobacco, taken since the 15th *May* 1747, or which shall be taken, in order to elude the Provision made by this Act, or the Act of 1747, *ch.* 1, for the Abatement of Tobacco Debts, shall be void. And in case of Judgment rendered, or Execution issued thereon, the Party may sue an *Audita Querela*: And Persons sued on any such Bond, &c. may plead the General Issue, and give the Special Matter in Evidence. And in case it shall appear that the Bond, &c. or other Security was given in order to elude the said Provision, then shall the Plaintiff be Non-suit and pay Costs. *Ibid.* §. 72, 73.

4. The Court wherein any such Judgment is entered, or Action commenced, may interrogate the Plaintiff on Oath, &c. for what Consideration such Judgment, Bond, &c. or other Security was passed? And if on such Examination it shall appear that the same was given for Money instead of Tobacco as aforesaid, the Plaintiff shall be Non-suit, &c. And the Plaintiff's Refusal to submit to such Examination shall be taken for Confession, &c. And if convicted of False Swearing, shall suffer as in case of wilful Perjury. *Ibid.* §. 74, 75.

5. Nothing herein contained shall vacate any Contract, &c. made for Payment of Tobacco in Specie before the 16th *May* 1747; but the same shall remain in full Force. *Ibid.* §. 76.

6. All Judgment Bonds taken for Money in lieu of Tobacco between the 15th *May* 1747, and the 1st *December* 1748, are declared void, &c. And, during this Act, no Judgments shall be entered on any Judgment Bonds for Money, taken after the 15th *May* 1747, until the Court, Judge, or Justice, before whom a Judgment is offered to be entered up, be satisfied, that the Defendant is actually run away: Nor even then unless Oath be made that the Bond was not passed for a Tobacco Debt contrary to this and the afore-recited Act. *Ibid.* §. 77.

7. No Tender of any Debt or Duty payable in Tobacco shall be accounted lawful, unless made in Inspectors Notes. *Ibid.* §. 17.

8. In

TOBACCO DEBTS.

8. In caſe Security be taken for Payment of any Tobacco Debt, contracted before the 15th *May* 1747, to be paid in Inſpected Tobacco; ſuch Tobacco ſo ſecured to be paid ſhall be liable to a Deduction of one Fourth Part. And on Suit brought, the Plaintiff may be interrogated by the Court, in the ſame Manner, *(ſee above*, Art. 3,) by the Court, as where Security hath been taken for the Payment of Money, inſtead of Tobacco. *Ibid.* §. 128.

TOBACCO DUTIES.

1. Tobacco exported out of this Province is ſubject to a Duty of One Shilling Sterling per Hogſhead, for the Support of Government. 1704, *ch.* 42. See *Support of Government.*

2. Perſons having the Property or Diſpoſal of Tobaccoes in the upper Parts of the Province, who ſhall permit or connive at the carrying the ſame out of their Cuſtody, in order to be carried over Land into *Pennſylvania*, before the Duties payable thereon (by the Statutes of *England* and Laws of this Province) are anſwered to the proper Officer, and a Certificate of ſuch Payment, *&c.* obtained from ſuch Officer; and the Owners, Purchaſers, and Carriers of ſuch Tobacco, and their Aſſiſtants and Abettors, ſhall forfeit 10 *l.* Sterling for every Hogſhead, or every 400 lb Tobacco ſo carried, *&c.* One Half to the Informer, the other Half to the Support of Government. 1707, *ch.* 5.

TOBACCO-HOUSES.

Perſons wilfully Burning Tobacco belonging to others, or any Tobacco-houſe having Tobacco therein, and their Aiders and Abettors, ſhall ſuffer Death as Felons without Benefit of Clergy. 1744, *ch.* 5, §. 3. See *Houſe-breaking*, 3.

TOBACCO INSPECTED.

1. All Tobacco, before Exportation, ſhall be brought to and inſpected at ſome Public Warehouſe appointed by this Act, and there Inſpected according to this Act. 1763, *ch.* 18, §. 2.

2. No Tobacco ſhall be put on board, or received into any Ship or other Veſſel, in order to be exported in Bulk; nor in any Hogſhead, Caſk or Caſe, unleſs the ſame ſhall have been inſpected, and received or taken on board at ſome Public Warehouſe, and at no other Place whatſoever. *Ibid.* §. 3.

3. Every Maſter, Mate or Boatſwain, before the Ship or Veſſel ſhall be permitted to take Tobacco on board, ſhall make Oath, *&c.* before the Naval Officer, and ſubſcribe the ſame, that they will not permit any Tobacco to be taken on board, unleſs the ſame be packed in Hogſheads, *&c.* ſtamped by ſome Inſpector, *&c.* And if the Maſter cauſe any other Perſon than his own Mate or Boatſwain to come and take ſuch Oath, he ſhall forfeit 4800 lb Tobacco. *Ibid.*

4. Any Maſter or Commander of a Ship or Veſſel, taking, or ſuffering to be taken on board, any Tobacco not brought from a Public Warehouſe, and ſtamped by a legal Inſpector, ſhall forfeit 4800 lb Tobacco for every ſuch Hogſhead, Caſk or Caſe of Tobacco; and all ſuch Tobacco ſhall be forfeited. *Ibid.*

5. Perſons undertaking to carry Tobacco for Hire, to or from Inſpecting-houſes, who ſhall take, or permit to be taken on board their Sloops, Boats, *&c.* any Tobacco in Bulk or Parcels, ſhall forfeit at the Rate of 240 lb Tobacco, for every 100 lb of ſuch Tobacco, and the Tobacco ſhall be forfeited, and liable to Seizure by any Perſon whatſoever. And Maſters of Ships, wherein any ſuch Tobacco is found, are liable to the ſame Penalty, beſides Forfeiture of the Tobacco. To be recovered if not exceeding 1200 lb Tobacco, before any Three Neighbouring Juſtices; and if above that Quantity, then in any Court of Record, together with Coſts. Every Servant, Slave or other Perſon employed in navigating ſuch Sloop, Boat, *&c.* who ſhall connive at or conceal the taking on board Tobacco in Bulk, ſhall,

TOBACCO INSPECTED.

by Order of any Single Magiſtrate, receive Thirty-nine Laſhes: And if the Skipper of ſuch Boat, *&c.* be a Servant, and unable to pay the Penalty, he, and every other Perſon under him, guilty of the ſame, ſhall ſuffer like corporal Puniſhment. And if ſuch Servant be again truſted as Skipper, and be a ſecond Time convicted, his Owner ſhall pay the above Penalty, and alſo forfeit 60 lb Tobacco for every Day ſuch Servant ſhall be employed as Skipper of any Sloop or Boat to to him belonging.—But this ſhall not extend to prohibit the carrying of Tobacco by Water in Bulk, or in Hogſheads, *&c.* to Inſpecting-houſes, ſo as the ſame be not carried out of the Naval-Officer's Diſtrict wherein made; nor Owners or Purchaſers of Tobacco, to tranſport their Crops, or Purchaſes, in Hogſheads, *&c.* by Water, from one Place to another for the better managing, ſorting, *&c.* thereof, before cartying the ſame to the Public Warehouſes. *Ibid.* §. 4, 5.

6. If the Skipper of any Sloop, Boat, *&c.* intruſted with the conveying of Tobacco, ſhall Land any Hogſhead, *&c.* at any other Place than at ſome Inſpecting-houſe, (unleſs for the actual Preſervation of ſuch Tobacco, and thereafter, with all convenient Speed, to be carried to the Warehouſe, or Ship, to which it was deſigned, without Imbezzlement,) or put the ſame on board any other Veſſel; or ſhall, either before or after Inſpection, fraudulently open any Hogſhead, *&c.* and take thereout any Tobacco; he ſhall ſuffer by Whipping, Pillorying, and Paying the Four-fold, as in caſe of Felony. *Ibid.* §. 6, 7.

7. Inſpected Tobacco, ſo damaged in its Carriage to the Ship, as that the Maſter will not receive it, ſhall immediately be carried to ſome Inſpecting-houſe, and there ſeparated; and the remaining good Tobacco to be Stamped by the Inſpectors without Fee. *Ibid.* §. 8.

8. Inſpectors ſhall carefully enter into their Books, the Marks, Numbers, Weight, and Tare, of all Tobacco by them viewed and ſtamped; and in what Ships laden. And ſhall, with every Craft-Load, ſend a Liſt of the Marks, *&c.* of every Hogſhead, to be given to the Maſter of the Ship in which it is to be put on board. And, if intended for ſeveral Ships, then to ſend diſtinct Liſts of the Hogſheads to be put on board them reſpectively. Which Liſts every Maſter of a Tobacco Ship ſhall lodge with the Naval-Officer before Clearance. And if the Ship for which intended, ſhall not be capable of Stowing the Tobacco contained in ſuch Liſts, then the Owner of the Tobacco may ſhip the ſame on board any other Ships, the Maſters indorſing on ſuch Liſts, the Marks and Numbers of the Hogſheads by them taken on board, and giving Notice to the Inſpectors of the Warehouſe from whence brought. Or, if there be no other Ship to receive it, the Maſter of the Ship to whom ſent, may put the Tobacco in the neareſt Inſpecting-houſe, giving Notice to the Inſpectors who ſtamped the ſame. And then the Inſpectors, to whom delivered, ſhall give a Receipt, and be anſwerable for the ſame to the Owner, without Fee. *Ibid.* §. 33.

9. No Skipper of any Craft ſhall take any Tobacco from an Inſpecting-houſe, to be carried on board any Ship for Exportation, before he take the Oath preſcribed in this Section, *(for which ſee the Act,)* to be adminiſtered by the Inſpector: On Penalty of 3200 lb Tobacco for every Hogſhead taken on board before ſuch Oath taken; One Half to the Informer, or Perſon Suing for the ſame, and the other Half towards defraying the Expences of the County in the Execution of this Act. *Ibid.* §. 34.

10. Maſters of Tobacco Ships, ſhall, on Clearing, deliver to the Naval Officer, Three fair Manifeſts of the Tobacco on board, expreſſing the Marks, Numbers, *&c.* and make Oath that the ſame is a Juſt and True Account, *&c.* One of which Manifeſts ſhall be annexed by the Naval-Officer, to the Certificate or Clearance; another to be ſent by him to the Chief

Officer of the Cuſtoms in the intended Port; and the Third kept in his Office. *Ibid.* §. 35.

11. No Commander of any Tobacco Ship ſhall remove Freight Tobacco from any Warehouſe, in order to be put on board his Ship or Veſſel, in any open Boat, or undecked Veſſel, without ſufficient Covering to ſecure ſuch Tobacco againſt Rain, *&c.* under Penalty of 1600 ℔ Tobacco for every Offence, to be recovered in any Court of Record: One Half to the Informer, the other Half to defraying the Charges of putting this Act in Execution. *Ibid.* §. 139.

12. All Penalties under this Act, and not particularly appropriated, ſhall be recovered in his Lordſhip's Name: One Moiety towards defraying the County Charge, the other Half to the Perſon informing or ſuing, where ſuch Penalty exceeds 600 ℔ Tobacco: But, if not exceeding that Sum, then before a Single Magiſtrate. Provided ſuch Proſecutions be commenced within One Year after the Offence committed. *Ibid.* §. 86.

See *Inſpectors*, per Tot.

TOBACCO Inſpected above Three Years. See *Inſpectors*, 42, 43.

N. B. *The following Articles contain the Laws for Regulating Tobacco Payments, which were in Uſe before the Introduction of* Inſpection *Laws, but muſt continue Obſolete during the Exiſtence of thoſe Acts, which admit of no other Tender than that made in* Inſpectors *Notes.* See *Tobacco Debts.*

1. On Refuſal or Neglect of any Creditor to receive Tobacco tendered in Payment, the Debtor may (at any Time between the 1st *November* and 10th *May*, yearly) apply to the next Juſtice; who, upon Oath made of ſuch Tender, *&c.* ſhall appoint Two indifferent Freeholders to view and examine ſuch Tobacco, who ſhall take an Oath well and and truly to try and examine, *&c.* And if upon ſuch View, the Tobacco ſhall be found clean, ſound, and merchantable, *&c.* they ſhall mark the ſame in Hogſheads, upon the Head and Bulge, for ſuch Creditor, and weigh the ſame, and ſignify the Weight to the ſaid Juſtice. Which Tobacco ſhall thence forward be deemed the proper Goods of the Creditor, and in abſolute Diſcharge of ſo much of the Debt as the Tobacco ſhall weigh; provided each Hogſhead weigh 500 ℔ Neat, or upwards. 1713, *ch.* 3, §. 2; and 1724, *ch.* 6, §. 2.

2. The Creditor ſhall have Notice of ſuch intended View; and if he come not to the Place, and make known the Circumſtances of the Contract, *&c.* by producing the Specialty, *&c.* if the Tobacco be found clean, ſound and merchantable, it ſhall be marked in Diſcharge of the Debt, be the ſame of what Nature ſoever. 1713, *ch.* 3, §. 3. But no Creditor ſhall be obliged to receive Tobaccoes of leſs Weights or worſe Quality, than the Debtor contracted to pay, any Thing in this, or the former Act, notwithſtanding. 1724, *ch.* 6, §. 3.

3. Tobacco to be paid the Sheriff for Public and other Dues, *&c.* may be viewed in the Manner preſcribed by the Act of 1713, *ch.* 3. And any Sheriff executing ſuch Party, without ſuffering ſuch View, and allowing a reaſonable Time (not exceeding Ten Days,) for the ſame, ſhall have no Fees, ſhall be liable to Action of falſe Impriſonment, and pay double Damages and Coſts of Suit to the Party grieved. 1724, *ch.* 6, §. 4.

4. Good Tobacco, clear of Traſh, *&c.* in Hogſheads of 500 ℔ Neat, being tendered and refuſed, (the Debtor having the ſame ready to pay,) the Plaintiff, on Suit commenced afterwards, ſhall loſe his Coſts, and the Defendant's Coſts to be deducted out of the Debt, and the Plaintiff to have Judgment for the Balance. And in caſe of ſuch Recovery, if the Plaintiff refuſe, on Tender of the Tobaccoes, to receive

the ſame, and ſue out Execution, whereby the Defendant is taken and impriſoned, any Friend of the Defendant may demand a Certificate of the Sheriff, at whoſe Suit, and for what Sum the Priſoner is in Execution; Which Certificate the Sheriff ſhall make out within Five Hours after Demand, on Penalty of 2000 ℔ Tobacco in Caſk: One Half to the Support of Government, the other to the Party grieved. Which Certificate, any Friend of the Priſoner, may carry to the next Juſtice; who (upon ſuch Friend's averring that the Priſoner hath Tobacco ready, and that he will open and ſhew it,) ſhall either go in Perſon, or ſend Two Sworn Freeholders to view and weigh the ſame: And if the Tobacco be ſound, *&c.* and of ſufficient Weight to diſcharge the Debt, *&c.* the Juſtice ſhall give Notice to the Sheriff, that if he doth not come and ſhew Cauſe to the contrary, he will cauſe the Tobacco to be marked on the Creditor's Riſque: And, if Cauſe be not ſhewn within 48 Hours, the Juſtice ſhall cauſe the Tobacco to be Marked and Numbered, and ſend the Sheriff a Certificate of the Marks, Numbers, and Place where it lies, on the Creditor's Account. And in caſe the Priſoner be not in Cuſtody on any other Account, the Sheriff ſhall ſuffer him (on paying or ſecuring his Fees) to go at large, or be anſwerable for Falſe-Impriſonment. 1713, *ch.* 3, §. 4.

5. Steelyards for receiving Tobaccoes ſhall be Tried, Stamped and Numbered, yearly, by the Standard-keeper of the County, who ſhall have One Shilling Fee. And Perſons receiving Tobacco by Steelyards which have not been ſo Tried and Stamped, forfeit 500 ℔ Tobacco. 1715, *ch.* 10, §. 3 and 5.

6. Any Perſon refuſing to pay Tobacco by Steelyards ſo Stamped, *&c.* within the Year, and inſiſting on their being Tried again, ſhall pay for ſuch new Trial and Stamping if they be found True; otherwiſe the Owner of the Steelyards ſhall pay. *Ibid.* §. 6.

7. Every Tobacco Plantation ſhall have a good Tobacco-houſe built on it, with Door, Lock and Key, ſufficient to contain the Tobacco made thereon. 1715, *ch.* 22. §. 1.

8. Every Planter paying any Tobacco to a Merchant or other Perſon, ſhall keep and ſecure the ſame as he would his own proper Goods, for one whole Year from the Time ſuch Tobacco was received. And if any Damage or Imbezzlement happen for want of ſuch Houſe (*ſee* Art. 7,) he ſhall make Satisfaction to the Perſon who received the ſame. But he ſhall not be anſwerable for Damage happening thro' any other Caſualty whatſoever. *Ibid.* §. 2, 3.

9. In Caſe that Tobacco received and marked by any Creditor, in Satisfaction for any Debt (for which the Creditor hath given up the Bills or other Security, or given Diſcharges) ſo lying in the Tobacco-houſe of the Debtor, ſhall be ſeized by the Sheriff, and the Debtor refuſe to make any other Satisfaction; any two Juſtices, on Proof thereof, may award Execution, (with Coſts, not exceeding 100 ℔ Tobacco) on Requeſt of the Creditor, againſt the Body, Goods, and Chattels of ſuch Debtor, to be executed by the Sheriff, in Satisfaction of the Debt and Coſt, in as ample a Manner as if the Debt was recovered by due Courſe of Law. *Ibid.* §. 4.

10. Altering the Marks, or Quality of Tobacco, in Hogſheads ſo received, without lawful Warrant under the Hand of the Perſon receiving, or for whoſe Uſe the ſame was received, ſhall be adjudged Felony. And Perſons convict hereof ſhall reſtore Four-fold to the Party grieved, and ſtand in the Pillory in Court-Time, two Hours, with the Offence written on Paper placed on their Backs. Provided the Proſecution be commenced within a Year and a Day. *Ibid.* §. 5 and 6.

11. Perſons guilty of falſe Packing (*i. e.* uſing any fallacious, fraudulent or deceitful Means to conceal or hide any froſt-bitten, traſhy Ground Leaves, or ſmall dull Scrubs, or any Stalks, Stems, Wood, Stones, Dirt, or any other Manner of Traſh, or old decayed

Tobacco

TOBACCO PAYMENTS.

Tobacco in the inward Part of any Hogſhead, when the Generality of ſuch Tobacco as ſhall be packed in the outward Parts is good, ſound, and merchantable, or that it ſhall be deemed by the Court or Jury before whom tried, that ſuch falſe Packing falls within the ancient common received Notion of falſe Packing) and offering any Hogſhead or Caſk ſo packed in Payment, ſhall, for every ſuch Hogſhead, forfeit 1000 ℔ good Tobacco in Caſk; One Half towards the County Charge, the other Half to the Party grieved: But if ſuch Party do not proſecute within Three Months after Notice of the Fraud, then to the Informer. *Ibid.* §. 7.

12. But Perſons packing up ſmall, dull, ſcrubby Tobacco, and Ground Leaves, in Caſk by itſelf, and declaring the Quality thereof to the Purchaſer before Sale, ſhall not incur the Penalties in this Act impoſed. *Ibid.* §. 8.

13. No Sheriff, or his Deputy, ſhall Seize any Tobacco unſtript; or already received, marked and nailed for any Merchant or other; except for Public Levies, or the 40 per Poll. In which caſe he may break Locks. But ſhall not Seize or Mark any Hogſhead containing more than what is juſtly due for ſuch Levies, *&c.* without Satisfaction to the Owner for the Overplus, on Penalty of 2000 ℔ Tobacco; One Half to the Support of Government, the other to the Party grieved. 1715, *ch.* 46, §. 1.

14. In caſe of Breaking a Hogſhead on ſuch Seizure, the Party that hath the greateſt Share of the Tobacco ſhall have the Caſk. *Ibid.* §. 2.

TOBACCO PLANTS.

Perſons cutting or deſtroying, or cauſing to be cut or deſtroyed, or exciting others to cut or deſtroy, any Tobacco or Tobacco Plants belonging to others, ſhall forfeit 100 *l.* Sterling to the Party grieved, and ſuffer Six Months Impriſonment without Bail, *&c.* and alſo remain in Priſon, as in Execution, till the ſaid Sum be ſatisfied, if able to pay: If not, then to remain in Priſon one whole Year, without Bail, *&c.* And the Party grieved ſhall have Action of Treſpaſs, *&c.* for Recovery of Damages againſt the Offender. 1744, *ch.* 5, §. 2.

TOBACCO RUN.

1. No Perſon ſhall tranſport out of this Province, by Land or Water, any Tobacco, without firſt entering the ſame, according to Law, with the proper Officers; on Penalty of 10 *l.* Sterling, for every Hogſhead or other Package of ſuch Tobacco; and the like Penalty for every Parcel of 500 ℔ Weight, and ſo in Proportion for a greater or leſſer Quantity: One Half to his Lordſhip, the other to the Informer. 1722, *ch.* 16, §. 2.

2. Tobacco put on board any Boat, *&c.* in any River or Creek from whence Tobacco hath been uſually carried into any neighbouring Colonies; or laden in any Cart, *&c.* in Places uſual or convenient for carrying the ſame by Land to *Delaware* Bay or River, without a Permit firſt obtained from the proper Officer, ſhall be forfeit, with the Veſſel, Cart, Horſes, *&c.* And any Perſon whatſoever is impowered to Seize the ſame: One Half of which Forfeiture to his Lordſhip, the other Half to the Perſon ſeizing the ſame. *Ibid.* §. 3.

3. Perſons abuſing or reſiſting Officers or other Perſons in the Execution of this Law, ſhall forfeit 10 *l.* Sterling, to be applied as aforeſaid. *Ibid.*

4. All Officers of the Cuſtoms, Magiſtrates, Sheriffs, Veſtrymen, Church-wardens and Conſtables, are impowered and required to put this Act in Execution, and aſſiſt Perſons informing, or ſeizing, on Forfeiture of 5 *l.* Sterling for every Neglect or Omiſſion. *Ibid.* §. 4.

5. Perſons ſued for putting this Act in Execution, may plead the General Iſſue, *&c.* And on Non-ſuit, or Diſcontinuance of Action, ſhall recover full Coſts. *Ibid.* §. 5.

TOBACCO RUN.

6. For preventing the Running of Traſh Tobacco into the neighbouring Colonies, no Tobacco whatſoever of the Growth, *&c.* of this Province, ſhall be tranſported by Land or Water into *Virginia*, *Pennſylvania*, or other Ports or Places whatſoever, till the ſame has been firſt viewed, *&c.* at ſome Inſpecting-houſe; nor till due Entry thereof be made with the Officers of the Cuſtoms in the Diſtrict whereln the Owner of the Tobacco ſhall reſide, and a Permit obtained from them for that Purpoſe. And any Perſon carrying, or cauſing to be tranſported, any Tobacco, before Inſpection and Permit, obtained as aforeſaid, to *Virginia*, *&c.* ſhall forfeit 800 ℔ Tobacco for every Hogſhead, *&c.* and 160 ℔ Tobacco for every 100 ℔ Tobacco, in Bulk or Parcels, ſo carried out, contrary to this Act. 1763, *ch.* 18, §. 57.

7. All Sheriffs, and Under-Sheriffs, ſhall, at the Time of their being ſworn into the ſaid Office, and all Inſpectors and Conſtables, at the firſt County Court after their Appointment, (or at the ſame Court, if there ſworn into their Offices,) take the Oath preſcribed in this Section, *(for which ſee the Act,)* with regard to the Running of Tobacco, and obtain a Certificate thereof; on Penalty, for Default herein, of 800 ℔ Tobacco to the Informer; to be recovered with Coſt, by Action of Debt or Information, in any Court of Record. *Ibid.* §. 58.

8. Any neighbouring County Magiſtrate, on Application, ſhall iſſue his Warrant to the Sheriff or Conſtable, who ſhall thereupon Enter and Search any Ship, Sloop, Boat, or other Veſſel, and Seize any Tobacco laden on board contrary to this Act: And the ſame being ſeized, ſhall be brought on Shore, and carried before the ſame, or any other Juſtice, who ſhall cauſe the ſame to be weighed, and if traſhy or bad, to be immediately burnt; if good, to be carried to the Inſpecting-houſe, there to be Inſpected and Sold for the Uſe of the County. Perſons reſiſting the Officer in the Execution of ſuch Warrant, ſhall forfeit, *viz.* if a Maſter, Owner, or Commanding Officer of a Ship, 8000 ℔ Tobacco; if a Skipper of a Sloop or Boat, *&c.* a Sailor, or other Perſon whatſoever, 3200 ℔ Tobacco; to be recovered by Action of Debt, *&c.* in any Court of Record: One Half to the Informer, the other Half towards defraying the County Charge accruing by the Execution of this Act. And any Magiſtrate, or other Officer, ſued for any Thing done in the Execution of this Act, may plead the General Iſſue, *&c.* and on Non-ſuit, *&c.* ſhall recover double Coſts. *Ibid.* §. 59.

See *Tobacco Duties*, 2. *Tobacco Traſhy*, 6, 8.

TOBACCO TRASHY.

1. No Perſon ſhall buy, ſell or barter, or offer to Sale, either directly or indirectly, any Traſhy or unmerchantable Tobacco, (except ſuch as hath been heretofore lodged in ſome legal Inſpecting-houſe, under any former Law) on Penalty of 4 ℔ Tobacco for each Pound ſo bought, ſold, *&c.* to be recovered, where the Penalty ſhall not exceed 600 ℔ Tobacco, before a ſingle Magiſtrate; and, where it exceeds that Sum, in the County Court: One Moiety to the Informer, or Perſon ſuing for the ſame; together with ſuch Perſon's legal Allowance, for Attendance as an Evidence; the other to the County Charge. Where ſuch Penalty ſhall ariſe by Proſecution on Indictment, if the Informer ſhall not, upon Conviction, make his Claim (to be entered on the Clerk's Docket) to the Moiety, in open Court, the whole ſhall go to the Uſe of the County. 1763, *ch.* 18, §. 131.

2. If either Buyer or Seller ſhall proſecute the other offending Party to Conviction (to which Purpoſe either of the ſaid offending Parties ſhall be good Evidence,) the Party ſo proſecuting ſhall not only be indemnified from any Proſecution for the ſaid Offence, but ſhall alſo

alſo be entitled to receive the Reward allowed as aforeſaid: And as a farther Encouragement, ſhall receive the further Sum of 2 ℔ Tobacco for every Pound of ſuch Tobacco to his own Uſe: To be recovered, if not exceeding 600 ℔ Tobacco, before a Single Magiſtrate; but if above that Sum, then in the County Court, to his ſole and ſeparate Uſe; to be made a Part of the Judgment of the Court, upon Conviction of ſuch Offender. *Ibid.* §. 132.

3. Any Magiſtrate (being informed on Oath, *&c.*) ſhall either raiſe and compel Aſſiſtance, and proceed himſelf, or by Warrant under his Hand to the Informer, ſingly, or with other Perſons, *&c.* authorize and direct ſuch Perſon or Perſons, to compel Aſſiſtance, and proceed directly to the ſuſpected Place, and quietly to enter, (except ſuch Houſe or Place be on the Plantation where the Traſhy Tobacco ſhall appear upon Oath to have been made, or in ſome other Plantation belonging to the Maker of ſuch Tobacco, and except Inſpecting-houſes, *&c.*) if permitted. And, if the Perſon having Care of ſuch Place, be not preſent, or if preſent, and refuſing Admittance, then forcibly to enter, and ſearch for, and carry away, not only the Tobacco particularly ſearched for, but all other Traſhy Tobacco there found, to the next Inſpecting-houſe. And if neither of the Inſpectors happen to be preſent, then the ſaid Magiſtrate, or Warrant-Officer, ſhall ſummon one or both Inſpectors immediately to attend; who ſhall view, *&c.* the ſaid Tobacco, and if the ſame, or any conſiderable Proportion thereof, appear to be ſuch as Inſpectors by this Act are required to paſs, then the ſame, or ſuch Part thereof, ſhall be treated, *&c.* as other Tobacco by them paſſed, is by this Act directed; the Owner of ſuch Tobacco paying the Warrant-Officers at the Rate of 8 ℔ for every 100 ℔ Tobacco ſo paſſed, for carrying the ſame to ſuch Inſpecting-houſe. Which Rate the Inſpectors ſhall receive of the Claimant, before they permit the Tobacco to be taken out of the Inſpecting-houſe; and which, after Receipt thereof, the ſaid Inſpectors ſhall pay on Demand to the ſaid Warrant-Officers, or their Order. And in caſe ſuch Tobacco, or any Part thereof, ſhall, on View, be condemned by the Inſpectors, then ſhall the ſame (being firſt weighed,) be immediately burnt by the Inſpectors. And the Warrant-Officers ſhall have a Reward of 8 ℔ Tobacco for every 100 ℔ ſo burnt; to be recovered, either againſt the Owner of the Houſe, Veſſel, or other Place, knowing the ſaid Tobacco to have been there, or againſt the Owner of the Tobacco at the Time of Seizure, before a ſingle Magiſtrate, with full Coſts, to be levied by way of Execution, *&c.* *Ibid.* §. 133.

4. Any Perſon, diſcovering traſhy Tobacco under Carriage, may ſtop and ſeize the ſame, and convey, or require the Parties to carry the ſame, to the next or other convenient Inſpecting-houſe. And ſuch Party refuſing to carry the ſame, ſhall forfeit 400 ℔ for every 100 ℔ of ſuch Tobacco, upon every ſuch Refuſal; to be recovered, as the Caſe may require, before a ſingle Magiſtrate or in the County Court: One Half to the Perſon ſuing or informing, and the other Half to the County Charge. And if neither of the Inſpectors be preſent, then ſhall the Party ſtopping, *&c.* the Tobacco, ſummon one or both to attend; who ſhall view, *&c.* the ſame, and proceed in ſuch caſe as they are directed with regard to Traſhy Tobacco found, *&c.* (*ſee the preceding* Art.) not burthening the Party who carries the ſame, or the Owner thereof, with any Charge for Carriage. And after ſuch Inſpection, the Perſon ſo ſtopping, *&c.* ſhall repair to ſome Magiſtrate, and inform him that he hath ſeized and ſecured ſuch Tobacco in Manner aforeſaid. And the Magiſtrate ſhall proceed therein, with reſpect to the Fining and Binding over (as the Caſe ſhall require) ſuch Offenders; and ſuch Offenders ſhall be liable to the ſame Penalties, and be under the ſame Mode of Proſecution for Recovery thereof as before directed. *Ibid.* §. 134.

5. But if the Owner of ſuch Tobacco ſo ſeized under Carriage, and carried to any Inſpecting-houſe, ſhall prove by Oath, *&c.* taken before a Magiſtrate, that the ſame was then carrying to be Inſpected at ſome public Warehouſe, purſuant to this Act; ſuch Owner, *&c.* ſhall be thereby exempted from the Penalties, other than the Loſs or Burning of the Traſhy Tobacco. *Ibid.* §. 135.

6. Any Perſon removing Tobacco ſo ſtopped, *&c.* as aforeſaid (other than the Perſon ſeizing the ſame, or others by his Order) or who ſhall reſcue or attempt to reſcue ſuch Tobacco, ſhall forfeit 2400 ℔ Tobacco for every Hogſhead or Parcel ſo removed or reſcued, *&c.* to be recovered in the County Court, for the Uſe of the Perſon making ſuch Seizure. *Ibid.* §. 136.

7. Perſons Sued, *&c.* for any Thing done in Execution of this Act, may plead the General Iſſue, *&c.* And in caſe of Non-ſuit, Diſcontinuance of Action, or Verdict againſt the Plaintiff or Informer, the Defendant ſhall be acquitted, and recover treble Coſts. *Ibid.* §. 137.

8. Informations in purſuance of this Act ſhall be made within Three Months after the Offence committed, and not after. *Ibid.* §. 138.

See *Tobacco Run*, 6, 8.

TOLERATION.

The Toleration Act of 1 *W.* and *M.* with all the Penal Acts therein mentioned, declared to be in Force within this Province. 1706, *ch.* 8.

See *Diſſenters*.

TOLL. See *Annapolis*, 15. *Water-Mills*, 5.
TONNAGE. See *Governor*, 1. *Port Duties*, 1.

TOWN-LANDS.

1. The Titles of all Perſons to Town-Lands taken up, paid for, (or Payment tendered,) built upon, and improved under the Laws of 1683, *ch.* 5; 1684, *ch.* 2; 1686, *ch.* 2; and 1694, *ch.* 8; notwithſtanding any Repeals of the ſaid Acts, are confirmed. 1715, *ch.* 32, §. 1, 2.

2. The Titles of all Perſons to Lots, taken up and built upon, according to the Directions of the Acts of 1706, *ch.* 14; 1707, *ch.* 16; and 1708, *ch.* 3; during the Continuance of the ſaid Acts, are confirmed, notwithſtanding the Diſallowance of the ſaid Acts by her late Majeſty, Q. *Anne*. *Ibid.* §. 4.

3. Lots, aſſigned to the Uſe of any Community, paid for, and built upon, according to the ſaid Acts, before her Majeſty's Diſallowance was notified, ſhall remain to ſuch Community. *Ibid.* §. 8.

4. The Rights of Perſons who have begun to build upon Lots, tho' not finiſhed according to the ſaid Town-Laws, are confirmed. *Ibid.* §. 9.

TRANSFER TOBACCO. See *Inſpectors*, 20—23, 30, 33, 36, 38—40.
TREASON. See *Advancement of Juſtice*, 2.
TREASURERS. See *Bacon*, &c. 2. *Gold and Silver*, 2. *Inteſtates Eſtates*, 5. *Letters Public*, 3. *Liquors Imported*, 13. *Negroes*, 36, 42, 45. *Pitch, Tar and Pork*, per Tot. *Public Charges*, 6, 7. *Schools*, 28, 37, 40.
TREES. See *Bridges*, 2. *Highways*, 11—13. *Indians Lands*, 13. *Water-Mills*, 2.
TRESPASS. See *Guardians*, 22. *Indians Lands*, 13, 16, 17.
TROVER AND CONVERSION. See *Special Bail*, 10.

TROOPERS.

1. A Captain of Horſe in each County ſhall Inliſt his Troop out of the Inhabitants, according to Inſtructions from the Governor, or the Colonel of the County. 1715, *ch.* 43, §. 3.

2. Such Troopers ſhall ride their own Horſes; which ſhall be good, ſerviceable, and fit to paſs Muſter: And ſhall alſo find themſelves Furniture, Swords, Carbines,

TROOPERS.

Carbines, Piſtols, Holſters and Ammunition. *Ibid.* §. 4.

3. Every Trooper neglecting to appear at Muſter, on Notice given, accoutred as aforeſaid, ſhall forfeit 100 lb Tobacco, to the Uſe of the Troop, for purchaſing Trumpets, Colours, *&c.* *Ibid.*

4. Troopers, when out a Ranging, ſhall find their own Proviſion; but when in actual Service, ſhall be found Proviſions at the Charge of the Public. *Ibid.*

5. Any Trooper's Horſe killed in the Service, ſhall be paid for by the Public.

See *Militia*, 6. *Muſters*, 5. *Public Arms*, 6.

TRUSTEES. See *Schools*, 1—10.

TURPENTINE. See *Gauge of Barrels*, 3, 4, 7, 8, 10, 11. See *Pitch*, &c. per Tot.

TWO COUNTY MAGISTRATES.

1. On the Death or Removal of any Conſtable, or Refuſal, *&c.* to qualify, any Two next Juſtices may forthwith appoint another. See *Conſtables*, 4.

2. Two County Magiſtrates may take the acknowledgment of any Conveyance of Land, *&c.* See *Conveyances*, 4, 5.

3. Any Two County Juſtices on Complaint of *Indians*, may go upon their Lands, and finding their Complaint to be true, may iſſue their Warrant to the Sheriff to put out any intruding Perſons, and deliver peaceable Poſſeſſion to the *Indians*. See *Indians Lands*, 17.

4. Two County Magiſtrates may take Inſpectors Bonds. See *Inſpectors*, 12.

5. Two Juſtices may take Probat of a County Clerk's Bond. See *Records*, 3.

6. Two County Juſtices may take Special Bail on Provincial Writs. See *Special Bail*, 1.

7. Two County Juſtices are impowered to ſuperſede Execution of Judgment rendered in the Provincial Court. See *Stay of Execution*, 1—5.

See *Paſſes*, 5. *Warehouſes*, 7.

U. V.

VACANCY of a Pariſh. See *Veſtry*, 26, 28, 29.

VAGRANTS. See *Hog-ſtealing*, 3.

VALUATION of Condemned Slaves. See *Negroes*, 20, 36, 42, 45.

VESTRY.

1. Select Veſtries to be in every Pariſh, and the Number of Veſtrymen to be always Six at the leaſt. 1702, *ch.* 1, §. 7.

2. The Incumbent for the Time being in every Pariſh, and reſiding therein, ſhall be one of the Veſtry, and Principal thereof, tho' there be Six or more beſides. *Ibid.* §. 9.

3. In caſe of Death, Reſignation, or other legal Diſcharge of any Veſtryman, the Freeholders Inhabitants of the Pariſh, ſhall be ſummoned by the remaining Part of the Veſtry to elect (by a Majority of Voices) ſome ſober, diſcreet Freeholder of the ſame Pariſh to ſupply the Vacancy. *Ibid.* §. 7.

4. Veſtrymen, ſo choſen, ſhall take the Oaths to the Government, and alſo the Oath of a Veſtryman, and ſubſcribe the Teſt; and having ſo done, and not before, ſhall be deemed Veſtrymen. *Ibid.* (See alſo 1715, *ch.* 30, §. 4.)

5. The Oaths on the Election of a New Veſtry, ſhall be adminiſtered by ſome Juſtice of the County, *&c.* But on Elections afterwards ſhall be adminiſtered either by a County Magiſtrate, or by the firſt Veſtryman. *Ibid.*

6. Two new Veſtrymen ſhall be annually choſen (in the Place of Two others who ſhall be left out) by Election of all the Freeholders within the Pariſh who ſhall think fit to repair to the Pariſh Church on

VESTRY.

Eaſter-Monday, yearly. Which Perſons ſo elected, on taking the Oaths, *&c.* ſhall become Members of the Veſtry. *Ibid.* §. 8.

7. The Two eldeſt Veſtrymen ſhall be annually left out, nor ſhall either of them be liable to be choſen, or obliged to ſerve, for Three Years next enſuing. 1730, *ch.* 23, §. 2.

8. Any Perſon elected a Veſtryman, and refuſing or neglecting (on convenient Notice given him by the Regiſter, who is required to give ſuch Notice on Penalty of 1000 lb Tobacco) to be preſent at the next Meeting of the Veſtry, and there to qualify as a Veſtryman (without a reaſonable Excuſe) ſhall forfeit 1000 lb Tobacco. Which Fine, as well as that on the Regiſter as aforeſaid, ſhall be recoverable in his Lordſhip's Name, in the County Court, and applied to the Uſe of the Pariſh. And every acting Veſtryman or Regiſter is required to inform the next County Court of ſuch Refuſal or Neglect; which Court ſhall order Proſecution. *Ibid.* §. 2 and 5.

9. But Perſons publicly known to be of any Religious Profeſſion different from the Church of *England* eſtabliſhed by Law, ſhall not be liable to ſuch Choice or Penalties. *Ibid.* §. 6.

10. The Veſtry are impowered and directed to proceed to the Choice and Election of ſome other Perſon in the Place of any one choſen a Veſtryman, and refuſing or neglecting to act as aforeſaid. And the former Choice of ſuch Perſon ſo refuſing, *&c.* ſhall be void. *Ibid.* §. 3.

11. Each Veſtry ſhall appoint a fit Perſon for a Regiſter or Clerk, and may allow him any Quantity not exceeding 1000 lb Tobacco yearly; which they may raiſe (on Application to the County Court) by equal Aſſeſſment on the taxable Pariſhioners. 1702, *ch.* 1, §. 10; and 1730, *ch.* 23, §. 7.

12. The Regiſter, ſo appointed, ſhall take the Oaths to the Government, *&c.* and alſo an Oath, to be given him by the Veſtry, for the due and faithful executing his Office, before he ſhall be admitted into the ſame. 1702, *ch.* 1, §. 10.

13. The Regiſter ſhall keep a true and fair Regiſtry of all Veſtry Proceedings, and make juſt and true Entries thereof, and of all Births, Marriages and Burials, (Negroes and Mulattoes excepted,) with their reſpective Dates; and ſhall have Six-pence for every ſuch Entry. *Ibid.*

14. Parents, Guardians, Overſeers, Maſters, *&c.* of Perſons Born, Married, or Buried, ſhall give Notice to the Regiſter within Two Months after ſuch Marriage, Birth, or Burial, and pay him the Fee for entering it; on Penalty of 100 lb Tobacco, for neglecting or refuſing ſo to do. And the Regiſter refuſing or neglecting to make ſuch Entry, (having received his Fee for the ſame,) ſhall forfeit 100 lb Tobacco. *Ibid.*

15. The Fines in the preceding Article are to be recovered before a ſingle Magiſtrate: One Moiety to the Pariſh Charge, and the other to the Informer. 1730, *ch.* 23, §. 4.

16. The Regiſter or Clerk ſhall ſhew ſuch Regiſter of Births, *&c.* to any Perſon reaſonably requiring it, and give Certificate of any Births, Marriages or Burials, required, and ſhall have Six-pence for every Search, and Six-pence for every Certificate. Regiſters of Births, *&c.* heretofore made by County Clerks, under former Laws, are confirmed. 1702, *ch.* 1, §. 10.

17. Regiſter-Books, well bound and ſufficient, ſhall be provided, where wanting, by the Veſtry, at the Pariſh Charge, within Six Months from the End of this Seſſion; on Penalty of 500 lb Tobacco each Veſtryman neglecting, the Miniſter only excepted. *Ibid.* §. 11.

18. Veſtries are obliged to meet once a Month, or as oft as Need ſhall require, on Public Notice given by the principal Veſtryman. And no Veſtryman,

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being perſonally ſummoned, ſhall be abſent from ſuch Veſtry, (without a reaſonable and lawful Excuſe,) under Penalty of ſuch Fine, not exceeding 100 lb Tobacco, as the Reſidue of the Veſtry meeting, ſhall lay upon him. And, on Neglect of the Principal Veſtryman to ſummon a Veſtry when needful, and he is thereunto requeſted, any other Three of the Veſtry may ſummon a Veſtry to be holden. All ſuch Omiſſions and Neglects ſhall be noted in the Veſtry Book; and the Forfeitures to be recovered in his Majeſty's Name. *Ibid.* §. 12; *viz.* before a Single Magiſtrate, as directed in *Art.* 15, by 1730, *ch.* 23, §. 4.

19. The ſeveral Veſtries ſhall procure Tables of Marriages to be fairly tranſcribed, and ſet up and continually kept in their reſpective Pariſh Churches; on Penalty of 200 lb Tobacco each Veſtryman, except the Miniſter. (To be recovered, *&c.* as in *Art.* 15.) 1702, *ch.* 1, §. 13 and 14.

20. The Veſtry and Freeholders of every Pariſh ſhall, upon Eaſter-Monday, yearly, chuſe and appoint Two ſober and diſcreet Freeholders of their reſpective Pariſhes, to be Church-wardens for that Year. And each Veſtryman (the Miniſter excepted,) neglecting to appoint Church-wardens, ſhall forfeit 200 lb Tobacco. (To be recovered, *&c.* as in *Art.* 15.) *Ibid.* §. 14.

21. The Church-wardens, ſo choſen, ſhall take the Oaths to the Government before the Veſtry, and alſo an Oath well and truly to execute that Office, *&c.* And any Church-warden refuſing to ſerve and take the Oaths, ſhall be fined 1000 lb Tobacco to the King. (To be recovered in his Lordſhip's Name, by Information in the County Court, as directed in *Art.* 8.) *Ibid.* §. 14. But no Perſon, publicly known to be of any religious Profeſſion different from the Church of *England*, ſhall be liable to ſuch Choice or Penalty. 1730, *ch.* 23, §. 6.

22. For preventing Delays, *&c.* as well as the doing any Thing of Conſequence, by Surprize, by a ſmall Number of the Veſtry, the firſt Tueſday in every Month ſhall be fixed for holding a Veſtry at the uſual Place, at Eleven in the Forenoon, without Notice: At which Time and Place, the Majority of the Veſtry then preſent, not being leſs than Three, are empowered to act as a Veſtry. 1702, *ch.* 1, §. 18.

23. Any Veſtry man removing out of the Pariſh, neglecting to give Attendance, or otherwiſe becoming incapable of executing his Office, may be removed by a Majority of the Reſidue of the Veſtry, after perſonal Notice given him, or Notice fixed upon the Church Door on Three ſeveral Sundays; and the Pariſhioners may be ſummoned to elect another in his Place, allowing reaſonable Time, not exceeding a Fortnight, to make his Complaint, if he apprehend himſelf injured. *Ibid.* §. 19.

24. Any Pariſhioner, contributing to Pariſh Charges, may demand of the Regiſter an Inſpection of the Veſtry Books, and take Copies of Orders, Proceedings, *&c.* paying a reaſonable Fee. And any Perſons apprehending themſelves, or the Body of the Pariſh, to be injured or oppreſſed by any Proceedings of the Veſtry, may appeal for Redreſs of the ſame to the Governor and Council, who ſhall hear and determine the ſame as they ſhall think agreeable to Juſtice and Equity. And their Judgment ſhall be final; the Right of Appeal to the King in Council being reſerved. *Ibid.* §. 20.

25. No Miniſter ſhall hold Two Pariſhes, unleſs by Conſent and Agreement of both Veſtries, and Appointment of the Ordinary. *Ibid.* §. 16.

26. Where there is no Miniſter, the Veſtry may preſent a ſober, diſcreet Perſon, (as a Reader,) to the Ordinary; who may ſequeſter Part of the 40 per Poll to pay him for his Service, and the reſt to be applied as the Law directs, in caſe of Vacancy: Which Reader ſhall take the Oaths, *&c.* and have Licence from the Ordinary; and then may read Divine Service, *&c.*

demeaning himſelf according to the *Engliſh* Liturgy. *Ibid.* §. 17.

27. The Juſtices of the ſeveral County Courts are required, on Application to them made by the Veſtrymen and Church-wardens of any Pariſh, yearly, to aſſeſs the Pariſhioners, any Quantity not exceeding 10 lb Tobacco per Poll, on the Taxable Inhabitants; whether it be for Repairs, or Enlargement of any Church, or for any other Charge which ſhall be judged by the Veſtry and Church-wardens to be neceſſary for the Uſe of the Pariſh: Which ſhall be collected and paid to the Veſtry by the Sheriff, who ſhall be allowed Five per Cent for collecting. 1729, *ch.* 7, §. 2. See alſo 1702, *ch.* 1, §. 15; and 1704, *ch.* 34, §. 4.

28. When there is no Incumbent in a Pariſh, the Veſtry may employ the 40 per Poll, during the Vacancy, for the Repairing of Churches, finiſhing and compleating the Inſide thereof, as the Veſtry ſhall think proper; purchaſing Pulpit Cloth, Cuſhion, Bible, Common-Prayer Book, or Plate, for the Uſe of the Church. Where Churches are decayed, and not fit to be uſed, the Veſtry may, during ſuch Vacancy, apply the 40 per Poll for Building of new ones. If no ſuch Applications be neceſſary, then it may be applied for the purchaſe of a Tract of Land near the Pariſh Church, *&c.* which Land ſhall remain as a Glebe, to the Uſe of the Incumbent for the Time being, for ever; and any Overplus may be employed in improving and ſtocking ſuch Glebe. 1715, *ch.* 24.

29. The Veſtry ſhall keep a fair Account of their Diſpoſition of the 40 per Poll, during the Vacancy of the Pariſh; and alſo of the 10 per Poll (*by* Art. 27,) and tranſmit a Copy of the ſame yearly, before the 10th of *March*, to the Governor and Council for their Inſpection, under the Hands of the Principal Veſtryman, and four of his Brethren of longeſt Standing. Who neglecting to tranſmit ſuch Copy as aforeſaid, ſhall forfeit 1000 lb Tobacco; One Half to the Support of Government, the other Half to the Informer. 1704, *ch.* 34, §. 5 and 6; and 1729, *ch.* 7, §. 3.

See *Church Lands*, 4. *Curſing*, &c. per Tot. *Fornication*, 2—4. *Inſpectors*, 3—7, 10—12. *Miniſters*, 4. *Parochial Libraries*, 3—5. *Proteſtant Intereſt*, 7. *Tobacco Run*, 4.

VIENNA MARSH.

A Road and Cauſeway to be made through the Marſh, and be kept in Repair. 1756, *ch.* 20.

VISITORS. See *Schools*.

UNCERTAIN GOODS.

1. Uncertain Goods ſhall be to the Lord Proprietary, and ſold at Outcry. 1640, *ch.* 2, §. 1.

2. Any Perſon having Right to ſuch Goods, and claiming within Three Years, ſhall be reſtored to his Right. *Ibid.* §. 2.

3. The Finder of ſuch Goods to have one Half. *Ibid.*

UNSETTLED FREEMEN. See *Taxables*, 5.

USURY.

1. No Perſon ſhall exact or take, directly or indirectly, for Loan of any Monies, or Commodities of any kind to be paid in Money, above Six per Cent, *per Annum*; nor for any Tobaccoes, or Wares to be paid for in Tobacco, more than Eight per Cent, *per Annum*. 1704, *ch.* 69, §. 1.

2. All Bonds, *&c.* bearing greater Intereſt, ſhall be utterly void. *Ibid.* §. 2.

3. Perſons taking or exacting more, by any corrupt Ways or Means, ſhall forfeit treble the Value of the Money, Tobacco, Wares, *&c.* One Half to the Support of Government, the other Half to the Informer. *Ibid.* §. 3.

W. WAGES.

WAGES. See *Ingroſſers*, 3. *Servants*, 16.

WAR.

1. If his Lordſhip, or his Lieutenant-General make War out of the Limits or Precincts of this Province, without the Conſent and Approbation of the General Aſſembly, the Freemen ſhall not be obliged to aſſiſt therein with their Perſons or Eſtates. 1650, *ch.* 26, §. 1.

2. Martial Law ſhall not be exerciſed within this Province, but only in Camp or Garriſon. *Ibid.* §. 2.

3. But in caſe of Invaſion, Inſurrection, or Rebellion, the Charges ariſing by Defence of the Province, ſhall be defrayed by an equal Aſſeſſment upon the Perſons and Eſtates of the Inhabitants. *Ibid.* §. 3.

See *Militia*, 7.

WAREHOUSES.

1. All Tobacco, to be Exported out of this Province, ſhall be firſt brought to ſome or one of the Public Warehouſes, in this Act mentioned, and there Viewed and Inſpected. 1763, *ch.* 18, §. 2. For the Liſt of Warehouſes, ſee *Inſpectors*, 2.

2. The Proprietors of the Warehouſes, Wharfs, Prizes, &c. already built, and continued by this Act for Inſpection of Tobacco, are hereby obliged to Let the ſame to the Inſpectors, under Penalty of 32,000 lb Tobacco: And ſhall receive a Rent of 6 lb Tobacco per Hogſhead, to be paid to them by the ſeveral Inſpectors; (*ſee below*, Art. 4.) And the Reſidue of the 56 lb Tobacco per Hogſhead, and the 28 lb Tobacco on the Eaſtern Shore, and the 24 lb Tobacco on the Weſtern Shore, per Hogſhead, in this Act mentioned, (§, 14 and 16,) ſhall be applied to defray Inſpectors Salaries, and other Expences attending the Execution of this Law. Accounts of all which, and the Profits ariſing thereby, ſhall be annually laid before the Juſtices by the Inſpectors, on Oath: Which Juſtices ſhall ſettle the ſame, and apply the Profits, if any, to defray the County Charge. *Ibid.* §. 52.

3. No Proprietor of a Warehouſe ſhall make private Uſes thereof whatſoever, while under Rent to the Public, under Penalty of 1000 lb Tobacco. Nor ſhall Inſpectors keep any Horſes, Cattle or Hogs, upon any Warehouſe-Land, except in Incloſures. And if any Swine, belonging to an Inſpector, ſhall be found at large upon ſuch Lands, or the Lands adjoining thereto, the Proprietor of the Land on which ſuch Warehouſes are placed, may kill or deſtroy them. *Ibid.* §. 53.

4. One Third only of the 6 lb Tobacco per Hogſhead, due for Rent on all Tobacco delivered out of the Two Warehouſes at *Kingſton*, in *Talbot* County, ſhall be paid to the Owner of the Houſe on *William Wilſon*'s Lot, and the remaining Two Thirds to the Owner of the Houſe on *William Gale*'s Lot. *Ibid.* §. 124.

5. The Juſtices of each County ſhall provide for each Inſpection-houſe, at the County Charge, a ſufficient Beam, Weights and Scales, to weigh 1500 Groſs at leaſt, and a Set of ſmall Weights, the ſame as the Standard; and keep the ſame in good Repair, together with the Blocks, Tackles, and other Neceſſaries. And the ſaid Juſtices ſhall, ſometime in *March*, yearly, appoint Two or more of their Number to view the Scales, and try the Weights by the Standard, and to cauſe the neceſſary Repairs and Amendments to be made; the Charge of which ſhall be paid by the Inſpectors, and be allowed to them in their Accounts. *Ibid.* §. 50, and 51.

6. Inſpectors, immediately after the Concluſion of their reſpective Inſpections, and Prizing, yearly, ſhall carefully take down the Scales, Ropes and Blocks, belonging to their ſeveral Houſes, and lay the ſame carefully up, together with the Weights, in ſome Part

of the ſaid Houſes: On Penalty (for Neglect,) of 800 lb Tobacco; to be recovered before a Single County Magiſtrate. One Half to the Informer, the other Half to the County Charge. *Ibid.* §. 130.

7. The Juſtices and Inſpectors of each County, ſhall annually meet at the Court-Houſe on the Second Tueſday of *December* (if fair Weather, if not, on the next fair Day) under Penalty of 800 lb Tobacco each. At which Meeting it ſhall be determined by a Majority of the Juſtices, upon the beſt Information they can get from the Inſpectors, &c. what Buildings, Additions, Repairs, Wharfs, Cranes, or other Conveniencies are wanting at each Warehouſe. And the ſaid Juſtices ſhall appoint Two Juſtices moſt convenient at each Warehouſe, not being Proprietors, to contract for ſuch Buildings, &c. or other Conveniencies ſo determined to be wanting. Which Two Juſtices ſhall, within Five Days, give Notice to the Proprietors of ſuch reſpective Warehouſes to meet them at ſome convenient Place by them in ſuch Notice to be appointed, at a Time not exceeding Ten Days from the Date of ſuch Notice; and ſhall then and there inform ſuch Proprietors, or his or their Agent, what is required of them according to the aforeſaid Determination. And if ſuch Proprietors will not immediately enter into Bond to his Lordſhip, in a Penalty not exceeding 32,000 lb Tobacco, to do what is required by the laſt of *April* next enſuing, at fartheſt; or if, after ſuch Bond given, ſuch Proprietor ſhall not compleat every Thing according to the Tenor thereof; then ſhall ſuch Juſtices forthwith agree with ſome other Perſon for doing or compleating the ſame, taking Bond for the Performance of ſuch Agreement. And, in caſe of the Death or Removal of one of the Juſtices, the other ſhall have full Power to act herein. *Ibid.* §. 141.

8. The Bonds taken by ſuch Juſtices ſhall be lodged with the County Clerk, within Twenty Days after taking thereof. And any Juſtice neglecting his Duty in making the Contracts, or taking or lodging the Bonds, ſhall forfeit 800 lb Tobacco. *Ibid.* §. 142 and 143.

9. Whatſoever Sum ſuch Juſtices may contract for, as aforeſaid, ſhall be aſſeſſed in the next County Levy after Performance; and be deducted out of the Tobacco and Money ariſing due for the Rent of the Houſe, 'til the County be reimburſed. *Ibid.* §. 144.

10. County Courts have a full Power, at all other Times of the Year, to put in Execution ſo much of this Act as relates to Building, Repairing, &c. Public Warehouſes, and to regulate all Matters relating thereto; and to direct the Building, &c. of any Warehouſes, Wharfs, Prizes, Cranes, and other Conveniencies, as to them from Time to Time ſhall ſeem neceſſary, &c. And where the Proprietor, Guardian, &c. or other Perſon concerned in any Warehouſe, ſhall refuſe or neglect to make ſuch Buildings, Additions, &c. as ſhall be wanting at any other Time of the Year, and ſuch as the Juſtices ſhall direct, then ſhall the ſaid Juſtices have the ſame done at the County Expence: And the Juſtices ſhall receive ſo much of the Rent from the Inſpectors, as will re-imburſe ſuch Charge to the County. And if, on Application of the Inſpectors, ſuch Juſtices ſhall refuſe to do their Duty herein, every Juſtice ſo neglecting or refuſing, ſhall forfeit 800 lb Tobacco, to be recovered in the County Court, with Coſts, by Action in the Name of the reſpective Inſpectors, and be applied to the Uſe of ſuch Warehouſe, &c. *Ibid.* §. 145.

11. Every Juſtice who ſhall meet at their reſpective Court-houſes, or who ſhall be appointed and attend in Order to agree as aforeſaid, or to try and adjuſt the Weights, ſhall be allowed 64 lb Tobacco for every Day's neceſſary Attendance, in conſequence of ſuch Appointment, in the next County Levy: And every Inſpector, who ſhall attend the Juſtices at the Court-houſe;

WAREHOUSES.

house, shall be allowed 32 lb Tobacco per Day, in the next County Levy, for his Attendance. *Ibid.* §. 149.

12. If any Warehouse happen to be burnt, the Loss of the Tobacco sustained thereby, shall be made good to the Sufferers out of the Public Levy, at the next Session after such Loss. And in such Case no Inspector shall be sued or molested for Notes by him given, for any Tobacco burnt therein, but shall be altogether discharged from Payment thereof. *Ibid.* §. 54.

13. If any Warehouse be burnt thro' Negligence of the Inspector or Inspectors thereunto belonging, such Inspector, &c. shall forfeit 16,000 lb Tobacco; to be recovered and applied as aforesaid. *Ibid.* §. 147.

See *House-breaking*, 2. *Inspectors*, 1, 2, 40, 41. *Inspectors Notes*, 13. *Tobacco Inspected*, 12.

WARRANTS. See *Constables*, 8, 9, 11.

WASTE. See *Guardians*, 5, 16, 17, 20, 21. *Indians Lands*, 16, 17. *Orphans*, 14. *Widows*, 7.

WATER-MILLS.

1. Any Person desiring to set up a Water-Mill on any Land next adjoining to any Run of Water, not being his own Possession or Freehold, may purchase out of Chancery, a Writ of *ad quod Damnum*, for taking up Twenty Acres of Land, *viz.* Ten Acres on one Side, and Ten Acres on the other Side of the Run of Water. 1704, *ch.* 16, §. 2.

2. In case the Owner of such Land, upon Return of the Writ, shall refuse to build a Mill thereon within One Year from that Date, and give Security to prosecute and finish the same within Two Years after laying the Foundation; a Grant thereof may be made by the Governor, according to the Writ, together with free Egress and Regress to the said Water-Mill, with Liberty of falling any Timber (other than Clapboard Timber) for building the said Mill, for any Term not exceeding Eighty Years, under the Yearly Rent returned, on Oath of the Jury, by virtue of the Writ aforesaid, to be paid to the Owner of the Land. *Ibid.*

3. The Grantee, before obtaining such Grant, shall give Security in 50,000 lb Tobacco, that he shall begin to build the Mill within One Year, and finish the same within Two Years after such Beginning. *Ibid.* §. 3.

4. Two Years to be allowed such Grantees for new erecting, building, finishing and repairing any Water-Mill, which shall be casually broke or gone to Decay. Or in Default thereof, the Owner of the Land may re-enter upon the same, by Ejectment or Otherwise, as the Law directs. *Ibid.* §. 5.

5. Millers, &c. taking Toll above one Sixth Part of *Indian* Corn, or one Eighth Part of Wheat for Grinding, shall forfeit 1000 lb Tobacco; One Half to the Support of Government, the other Half to the Informer, to be recovered in the County Court by Action of Debt, &c. *Ibid.* §. 6.

6. The Owners, &c. of any Water-Mill built on any Branch, &c. where any Public Road crosses, shall make the Top of their Dam Twelve Feet wide at the least, and make good and sufficient Bridges over the Waste and Race of such Mills, and keep the same in good Repair. And if erected where the Public Road passes below the Dam, shall make a good and sufficient Causeway across the Branch Twelve Feet wide, and make a good and substantial Bridge over the Mill Tail, and keep the same in good Repair; on Forfeiture of Twenty Pounds Current Money for Refusal or Neglect to comply with this Act; One Half to the County Charge, the other Half to the Informer. But such Owners shall not be obliged to send their Taxables to work on any Part of such Road, except the Dam, Causeway, Race and Waste, aforesaid. 1753, *ch.* 16, §. 2.

7. Owners, &c. of Mills erected since the 2d *October* 1753, or hereafter to be erected on any Branch below

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the Places where any Public Road shall cross, by the Building, whereof such Public Road shall be any Way injured, or its Passage obstructed, &c. shall, within Three Months after building such Mill, make good and sufficient Bridges and Causeways, Twelve Feet wide at the least, over such Branches or Runs, at the Place where the Public Road crossed such Branches, &c. and the same maintain and keep in good Repair, on Penalty of Twenty Pounds Currency, and the like Sum for every Two Months Neglect thereafter: One Half to the County Charge, the other Half to the Informer. But such Owners shall not be obliged to send their Taxables to work on any other Part of the Road, except such Bridge or Causeway. 1756, *ch.* 12, §. 2, 3.

WEIGHTS. See *Standard*, per Tot. *Warehouses*, 5, 6, 11.

WEIRS. See *Harbours*, 2.

WHARFS. See *Warehouses*.

WHIPPING. See *Coins*, 1. *Cursing*, &c. 3. *Harbourers of Servants and Slaves*, 3, 4. *Inspectors*, 49. *Negroes*, 7, 21, 23, 25, 28, 40, 43. *Quakers*, 6. *Seals*, 1. *Servants*, 4, 6, 13, 17. *Thieving*, 2, 3, 5. *Tobacco Inspected*, 5, 6.

WHITE MEN OR WOMEN, begetting or bearing Mulatto Children. See *Negroes*, 3—6, 33.

WIDOWS.

1. Widows of Intestates, after a full Account of the Estate being made by the Administrator, shall have One Third of the Surplusage, in case there be Children. 1715, *ch.* 39, §. 4.

2. If there be no Children, nor legal Representatives of them, then the Widow shall have one Moiety of such Surplusage, and the other Moiety shall be divided equally among the next of Kindred, in which no Collaterals shall be allowed after Brothers and Sisters Children. *Ibid.* §. 6.

3. And if no such Collaterals, then the Widow shall have the whole Residue. 1719, *ch.* 14, §. 4; and 1729, *ch.* 24, §. 19.

4. Where a considerable Part of the Personal Estate is devised to the Wife; and it doth not appear by the Will or Codicil, that the Testator intended such Devise as a Legacy only, and that she should nevertheless have her Thirds of his remaining Estate; such Widow shall, within Forty Days after Probat of the Will, make her Election before the Commissary, whether she will be content with the Devise, or have her Thirds and release the Devise: If she make her Choice of the Devise, she shall thereby be for ever barred from claiming her Thirds: If she renounce the Bequest, she shall have her Thirds and be barred of the Devise; but shall not have both: And if she neglect making such Election within the Forty Days, she shall then be concluded by the Bequest. But such Bequest shall be liable to pay the Testator's Debts, as any other Part of his Estate is or ought to be. 1715, *ch.* 39, §. 35; and 1729, *ch.* 24, §. 10.

5. Where any Part of the Husband's Real Estate is devised to the Wife, and it does not appear from the Will, that he intended her such Part of his Real Estate besides her Dower, such Widow shall make her Election within the Time aforesaid, whether she will accept of the Devise, or the Third Part of her Husband's Real Estate of which she is endowable: And her Acceptance of the Devise, shall for ever debar her of her Dower out of the Rest of the Real Estate: And her Acceptance of her Dower, shall be adjudged a full Recompence of her Devise. And if she neglect to make such Election within the Time aforesaid, she shall be concluded by the Devise, and barred of her Dower, unless it appears to have been the Design of the Devisor, that she shall have both the Devise and Dower. 1715, *ch.* 39, §. 36; and 1729, *ch.* 24, §. 11.

6. Any

WIDOWS.

6. Any Eſtate ſettled by Jointure or other Settlement before Marriage, ſhall bar the Widow of her Dower in her Huſband's Lands, but not of any Deviſe in his Will. 1715, *ch.* 39, §. 37.

7. To prevent Prejudice to Orphans Eſtates by ſecond Marriages of Widows, Second Huſbands ſhall be liable to be ſued, not only for the Eſtates due to the Orphans, but alſo for all Waſte committed by their Wives before Marriage, or by themſelves afterwards. *Ibid.* §. 38.

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WITNESSES.

1. No Perſon convict or attainted of Perjury, or Subornation of Perjury, ſhall be received as a Witneſs in any Court of Record, till ſuch Judgment be reverſed: In which Caſe ſuch Perſon may recover Damages. 1692, *ch.* 16, §. 3.

2. Perſons ſummoned to give Evidence, having their reaſonable Charges tendered, and not appearing according to the Proceſs, ſhall forfeit 10 *l.* Sterling, and yield ſuch further Recompence to the Party grieved as ſhall be awarded by the Judge, for the Loſs by ſuch Party ſuſtained by ſuch Non-appearance. *Ibid.* §. 5.

3. Every Perſon duly ſerved with Proceſs to appear as a Witneſs at the Provincial Court, and not keeping his Day of Appearance, ſhall be fined by the Court 1000 lb Tobacco, for Support of Government. 1715, *ch.* 37, §. 5.

4. Every Perſon ſummoned as a Witneſs to the County Court, and making Default, ſhall be fined by the Court 500 lb Tobacco to the ſame Uſe. *Ibid.*

5. Perſons ſo ſummoned, and making Default, ſhall not only pay the Fines aforeſaid, but alſo be liable to an Action upon the Caſe for all Damages ſuſtained for Want of their Teſtimony, and be held to Special Bail. And alſo, on Requeſt of the Party in whoſe Behalf ſummoned, ſhall be liable to have their Bodies attached, to oblige their Attendance. *Ibid.*

6. Any Witneſs ſummoned, or attached, who ſhall (being preſent) refuſe or delay to give Evidence, ſhall be committed to Jail, there to remain till he ſhall willingly do the ſame. *Ibid.*

7. Witneſſes ſhall be allowed 40 lb Tobacco *per Diem* for their Attendance in the Provincial Court, beſides itinerant Charges as uſual; to be paid by the Perſons ſummoning them, and charged in the Bill of Coſts, in all Civil Actions. But in Caſes Criminal, ſhall be paid according to the Act for ſpeedy Trial of Criminals. (For which ſee *Thieving and Stealing*, 3, 4.) *Ibid.* §. 10.

8. Witneſſes in the County Courts ſhall be allowed 30 lb Tobacco for each Day's Attendance, till the Cauſe be ended; to be paid as before directed. *Ibid.*

9. Where any Witneſs in a Criminal Cauſe cannot find Security for his Appearance to teſtify againſt the Criminal, and for Want of ſuch Security, ſhall be committed to Priſon; the County where the Proſecution is carried on ſhall pay ſuch Perſon's Impriſonment Fees. And, if the Proſecution be in a Superior Court, the Public ſhall pay ſuch Fees. 1752, *ch.* 13, §. 2.

10. The Juſtices ſhall Aſſeſs and Levy all ſuch Fees on the Inhabitants of their ſeveral Counties, as often as the Caſe ſhall require; and ſuch Fees are payable in the ſame Manner as other County or Public Charges are allowed to be paid. *Ibid.* §. 3.

WITNESSES.

11. There ſhall not be allowed, in any Action, the Charge of more than Three Witneſſes to the Proof of any one particular Fact; or of any other Witneſſes who ſhall appear to the Court to have been unneceſſarily ſummoned. 1760, *ch.* 16, §. 6.

12. Perſons ſummoned to give Evidence, in any other County than where they reſide, ſhall be allowed by the Court for ſo many Days itinerant Charges as the Juſtices ſhall think reaſonable, at the Rate of 24 lb Tobacco per Day, over and beſides the Time that ſuch Witneſs ſhall attend the Court; payable in Current Money, at 12*s.* 6*d.* per Cent. *Ibid.* §. 7.

See *Boundaries of Land*, 4, 9.

WOLVES.

1. Two Hundred Pounds of Tobacco ſhall be allowed, in the County Levy, for every Wolf's Head, produced to any Juſtice of that County wherein the Wolf was killed: Which Magiſtrate ſhall cauſe the Tongue to be cut out, and the Ears Cropt, that it may not be preſented again, (*but ſee below*, Art. 4—7,) and the County Court is impowered to levy the ſame upon the County. 1728, *ch.* 7, §. 4.

2. Oath ſhall be made (unleſs killed by an *Indian*,) that ſuch Wolf was actually killed in that County where the Allowance is prayed for, before the Juſtice ſhall grant a Certificate to entitle them to the Allowance. *Ibid.* §. 5.

3. No Juſtice ſhall grant Certificate for any Wolf's Head brought by an *Indian*, or which has been bought of any *Indian*, unleſs ſuch Head be brought before him whole and entire, and appears to be freſh killed. *Ibid.*

4. The above Act, ſo far as relates to *St. Mary*'s, *Somerſet*, *Charles*, *Anne-Arundel*, *Cæcil*, *Calvert*, *Worceſter*, *Prince George*'s, *Frederick*, *Baltimore*, and *Dorcheſter* Counties, is repealed by the Temporary Act of 1758, *ch.* 11, §. 1.

5. When any credible White Perſon ſhall bring the Head of any Wolf before any Juſtice of *Frederick* County, and make Oath (or Affirmation if a Quaker,) that ſuch Wolf was killed within the Limits of that County, within Three Days preceding, ſuch Magiſtrate ſhall give the Perſon producing the ſame, a Certificate thereof, mentioning therein the Oath, *&c.* taken. 1751, *ch.* 3, §. 2.

6. Such Magiſtrate is impowered to judge of the Age of ſuch Wolf, which, if above Three Months old, he ſhall diſtinguiſh by the Name of *Old Wolf*, in the Certificate; but, if under Three Months old, ſhall be diſtinguiſhed by the Name of *Young Wolf*; and ſhall cut off the Ears, and take out the Tongue, that it may not be produced a Second Time in order to obtain a Certificate. *Ibid.*

7. Perſons producing ſuch Certificates to the Juſtices of *Frederick* County, in *November* Court, ſhall be allowed Twenty Shillings for every *Old*, and Fifteen Shillings for every *Young* Wolf's Head therein mentioned, to be levied on the County, together with the Sheriff's Salary, and paid by the Sheriff to the Perſons entitled thereto. *Ibid.* §. 3.

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Gandevit, Francis, *and* John Read *of* Philadelphia, *relieved,* 1722, *ch.* 2.
Gandy, John, *(of* London, *Mariner,) certain Lands confirmed to his Heir at Law,* 1708, *ch.* 6.
Gateril, Francis: *An Act for his Relief,* 1728, *ch.* 18.
ST. GEORGE's *Pariſh, in* Baltimore *County: A new Church and Chapel of Eaſe to be built,* 1750, *ch.* 7; 1757, *ch.* 18; *and* 1758, *ch.* 2.
GEORGE-TOWN, *in* Frederick *County, erected,* 1751, *ch.* 25.
GEORGE-TOWN, *in* Kent *County, erected,* 1736, *ch.* 21; *and* 1737, *ch.* 10.
Gibbs, Henry: *Defects in Conveyance of Lands from him, to* Benjamin Lawrence, *and* John Belt *and* Lucy *his Wife, ſupplied,* 1720, *ch.* 11.
Gibſon, Thomas, See *Kingsbury James.*
Giles, John See *Galloway John.*
Glade's Addition. See *Hall Mary.*
Gold, James. See *Scott William.*

G.

Goodridge's Choice, *in* Dorcheſter *County: Entail upon Part of it cut off, and* The Hope, *and* Addition to the Hope, *entailed in lieu thereof,* 1736, *ch.* 16.
Gordon, George, *Eſq; A Sum of Money repaid him, by a Levy on* Frederick *County,* 1754, *ch.* 2.
Gordon, Robert. *A Lot in* Annapolis *(formerly* Robert Johnſon's*) ſettled on him,* 1723, *ch.* 26. See *Middleton Horatio Samuel.*
Gover, Ephraim; *relieved, and an Eſtate in Fee Simple ſettled on him,* 1720, *ch.* 3.
Gover, Samuel. See *Sunderland Joſias.*
Gray, John. See *Kitton Theophilus.*
Gray, William: *Confirmation to him, of Lands ſold him by* Robert Brooke, 1719, *ch.* 9.
GREAT CHOPTANK *Pariſh. Two Acres of Land at* Vienna *Town, whereon the Chapel is built, ſecured, and the Bounds thereof aſcertained,* 1725, *ch.* 9; *and* 1730, *ch.* 2. *The Pariſh divided, and* St. Mary-White-Chapel *Pariſh erected thereout,* 1725, *ch.* 10. *An Act relating to Church Lots in* Cambridge, 1750, *ch.* 19.
Green, Jonas, *Printer, encouraged,* 1740, *ch.* 4; 1744, *ch.* 4; 1746, *ch.* 9; 1749, *ch.* 8; 1753, *ch.* 39; 1754, *ch.* 8; 1756, *ch.* 14 *and* 22; 1760, *ch.* 8; 1762, *ch.* 24; *and* 1763, *ch.* 33.
Green's Adventure, *and* Green's Privilege. See *Ryder John.*
Green, William. See *Ibid.*
Greenham, John, *Eſq; Deed to him from* Thomas Humphries, *Eſq; and* Mary *his Wife, to be recorded,* 1730, *ch.* 13.
Griffith, Orlando, *and* Catharine *his Wife, enabled to ſell Part of a Tract of Land, and to entail other Land in Lieu thereof,* 1725, *ch.* 17.
Groome, Samuel, Junior. *Commiſſioners impowered to ſell ſo much of his Lands, as would ſatisfy* 820*l.* 5*s.* 7*d. to* Betty Gale, *and* Levin Gale, *Executors of* Levin Denwood, 1727, *ch.* 20.
Grundy, Robert: *His ſurviving Executors,* (*viz.* James Lloyd *and* Anne *his Wife, and* Deborah Pemberton) *enabled to convey certain Lands, and a Water-Mill, according to the Sales thereof made by him in his Life Time,* 1722, *ch.* 9.

H.

HALL, Mary. *A Tract of Land, called* Glebe's Addition, *confirmed to her,* 1718, *ch.* 9.
Hammond, William, *of* Baltimore *County. An Act impowering* John Paca, Robert Adair, Moſes Hill *and* Margaret *his Wife, to diſpoſe of Lands, late belonging to the ſaid* Hammond, *for Payment of his Debts.* 1763, *ch.* 15.
Hancox, Edward. *Confirmation of a Deed from him to* Thomas Johnſon *of* Liverpool, *Eſq;* 1712, *ch.* 16.
Hanſteelman, John. *Deeds to him from* Thomas Edmonds *and* Henry Bourne, *made valid,* 1727, *ch.* 28.
Happy Choice. See *Knighton Thomas.*
Harborough. See *Howard John Greenriff.*
Harris, William. *Truſtees impowered to ſell his late Land in* Talbot *County, called* Frankford St. Michael, *and the Money to be laid out in Purchaſe of other Lands for the Uſe of his Sons* Joſeph *and* Benjamin, 1708, *ch.* 11; *and* 1725, *ch.* 19.
Harriſon, John. *The Probat of his Will confirmed,* 1712, *ch.* 9.
Harriſon, Richard. See *Holland William.*
Hawkins, John, *(Maj.) Lands confirmed to him and* Henry Wright, 1711, *ch.* 11.
Haywood, Raphael. *An Omiſſion in his Laſt Will ſupplied, in Favour of* Robert Scott, *Clerk, and* Charles Neale, *Planter, his Executors and Deviſees,* 1715, *ch.* 6.
Heath, James. See *Tracey Suſannah.*
Hemſley, Philemon, *and* Mary *his Wife. Defects in a Deed of a Lot in* Annapolis, *from* Audry Taylard *to them, ſupplied,* 1731, *ch.* 5.

H.

Henderſon, Jacob, *(Rev.)* See *St. Anne's Pariſh.*
Herman, Auguſtine. *His Laſt Will confirmed, as it now ſtands recorded in the Commiſſary-General's Office,* 1694, *ch.* 3.
Herman, Caſparus Auguſtine. *Confirmation of Two Deeds to him; the one from* George Oldfield, *and* Petronella *his Wife, the other from* Richard Carr, 1728, *ch.* 13; *and* 1730, *ch.* 12.
Herman, Ephraim Auguſtine, *veſted in a Fee Simple Eſtate of* Little Bohemia, *and enabled to cut off the Entail,* 1724, *ch.* 4.
Herman, Catherine, *Widow, enabled to ſell Land in* Annapolis, *according to the Contract of her deceaſed Huſband,* 1697, *ch.* 4.
Hickman, William. *Lands in* Calvert *County veſted in him, which were formerly purchaſed by his Father from* Thomas Hinton, 1711, *ch.* 12.
Hicks, Thomas. See *Smithſon Thomas.*
Hill, Moſes. See *Hammond William.*
Hinton, Thomas. See *Hickman William.*
Holdſworth, Samuel. *The Title of a Parcel of Land in* Calvert *County, confirmed to him and his Heirs, againſt* Edward Huſbands *and his Heirs for ever,* 1681, *ch.* 17.
Holland, Jacob. See *Holland's-Choice.*
Holland, William, *(Col.) Confirmation of Lands to him,* Richard Harriſon, *and* Samuel Chew, 1709, *ch.* 4; *and* 1711, *ch.* 7.
Holland's Choice. *The Entail cut off, and* Jacob Holland *enabled to ſell the ſame, and entail other Lands in Lieu thereof,* 1749, *ch.* 14.
Hollingſworth, Thomas. See *Wells Zorobabel.*
Hollyday, James. *Enabled to draw Bills for a certain Balance of Sterling Duties, received by his Father* James Hollyday, *Eſq; late Treaſurer of the Eaſtern Shore, and by him remitted to* William Hunt, *Merchant in* London, 1762, *ch.* 15. *Enabled to pay Money to the Viſitors of* Worceſter *County School,* 1763, *ch.* 16.
Hollyday, Leonard. *Certain Lands veſted in his Female Heirs,* 1756, *ch.* 17.
Hollyday, Sarah, *Widow. Enabled to pay Money,* 1748, *ch.* 23.
Hood, Caſpar. See *Howel Thomas.*
Hope. *A Tract ſo called.* See *Goodridge's Choice.*
Howard, Benjamin. *Enabled to ſell Lands in* Anne-Arundel *County, and to entail other Lands in* Baltimore *County,* 1718, *ch.* 12. *The Survey of* Howard's Purchaſe *made good to him,* 1720, *ch.* 7. See *Roper's Neck.*
Howard, John Greenriff. *Impowered to dock the Entail of Part of* Harborough, *and to entail other Lands in Lieu thereof,* 1755, *ch.* 18.
Howard's Purchaſe. See *Howard Benjamin.*
Howel, John. See *Bennet Richard.*
Howel, Thomas. *A Mortgage from him to* Edward Beck, *Attorney in Fact for* Caſpar Hood, *confirmed,* 1735, *ch.* 21.
Howerton's Range. See *Duvall Benjamin.*
Huddleſton's Right. See *Stirling James.*
Humphries, Thomas, *Eſq;* See *Greſham John.*
Hurd, John. *A Deed to him from* Bartholomew Atkiſon, *and* Sibera *his Wife, made valid,* 1727, *ch.* 15.
Huſbands, Edward. *Puniſhed for Menacing and Curſing the Aſſembly,* 1678, *ch.* 18. See *Holdſworth Samuel.*
Huſbands, William. *Defects in a Deed to him, of* Stillington *and* Chance, *in* Cæcil *County, from* Edward Warner, *ſupplied,* 1731, *ch.* 16.
Hutcheſon, William. *Declaration of what Eſtate* Gabriel Parker *and* Anne *his Wife,* John Abbington *and* Mary *his Wife,* William Hutcheſon, *and* William Pile, *and* Elizabeth *his Wife, have in the Lands deviſed by him to them,* 1724, *ch.* 5.
Hutchinſon, William. *A defective Entry in the Records of* Prince George's *County, of a Deed to him from* John Wheeler, *aided,* 1755, *ch.* 4.
Hyde, John, *of* London, *Merchant. Certain Lands confirmed to him,* 1708, *ch.* 6. See *Stirling Thomas.*
Hynſon, John. See *Bryan Matthew.*

I. J.

JACKSON, Thomas. See *Read Henry Wallace.*
St. James's *Pariſh, in* Anne-Arundel *County. Certain Lands veſted in the Veſtry thereof, given by* James Rigby *and* Elizabeth *his Wife, both deceaſed,* 1701, *ch.* 5. *The Rector and Veſtry enabled to leaſe certain Church Lands,* 1744, *ch.* 21. *A new Church to be built,* 1762, *ch.* 28.
Jansen-Town, *in* Anne-Arundel *County, Erected,* 1733, *ch.* 3.
Jarboe, John, *(Lieut. Col.) His nuncupative Will confirmed,* 1676, *ch.* 19.
Johns, Iſaac. See *Adair Robert.*
St. John's *Pariſh, in* Baltimore *County.* Stoakley *Manor, alias* Stoak Flemmon, *ſettled on the Rector and his Succeſſors, for ever,* 1719, *ch.* 6. *A Chapel of Eaſe to be built in the Fork of* Gunpowder *River,* 1752, *ch.* 15; *and* 1753, *ch.* 32. See *Eaton Jeremiah.*
St. John's *Pariſh, in* Prince George's *County, divided, and* Prince George's *Pariſh erected thereout,* 1726, *ch.* 6. [b] *A Chapel of Eaſe erected on the Land given by* William Scott, 1744, *ch.* 12. [b] *The Veſtry enabled to purchaſe Three Acres of Land, and to build a Chapel of Eaſe thereon,* 1744, *ch.* 26; *and* 1748, *ch.* 16. *A Parochial Aſſeſſment for enlarging the Church,* 1763, *ch.* 27.
[b] In the Acts of 1744, *ch.* 12 and 26; and 1748, *ch.* 16, there is a Miſnomer, the Pariſh being therein called *King George's* Pariſh; which happened (as I am informed,) thro' the Whim of the then Incumbent, who would needs have the Elder Pariſh, as Parent of the Younger, to be called *K. George's* Pariſh, though without any legal Authority.
St. John's *Pariſh, in* Queen Anne's *and* Talbot *Counties, erected out of* St. Paul's, 1748, *ch.* 13.
Johnſon, Robert. *A Lot in* Annapolis *ſettled on him,* 1719, *ch.* 5. *The ſame Lot, after his Deceaſe, ſettled on* Robert Gordon, 1723, *ch.* 26. *And laſtly, on* Horatio Samuel Middleton, *and his Heirs,* 1753, *ch.* 25.
Johnſon, Suſannah. *Confirmation of Lands in* Anne-Arundel *County, to her,* 1716, *ch.* 15.
Johnſon, Thomas, *Eſq;* See *Hancox Edward.*
Jonas-Town, *in* Baltimore *County, Erected,* 1732, *ch.* 14. *United to* Baltimore-Town, 1745, *ch.* 9.
Jones's Fancy. See *Matthews Hugh.*
Jones, John. See *Bennet Richard.*
Jones, Thomas. *Confirmation of a Sale of Land to him from* Joſeph Bridger, *Eſq;* 1716, *ch.* 18.
Joppa, *Erected into a Town,* 1724, *ch.* 16; *and* 1737, *ch.* 11.
Jordain, John. *Enabled to ſell* Billingſley's Point, 1724, *ch.* 3. *A Deed to him from* Thomas Larkin, *deceaſed, to be recorded,* 1756, *ch.* 18.
Joſeph, William. *Confirmation of a Letter of Attorney to him, from his Father* William Joſeph, *Eſq; for the Sale of Lands,* 1705, *ch.* 3.
Ivy, Anthony, *and* Anne *his Wife, (Daughter and Heireſs at Law to* Robert Smith, *Eſq;) A Mortgage of Land confirmed to them,* 1713, *ch.* 7. *A Conveyance of Land from them to* Richard Moore *and* Edith *his Wife, confirmed,* 1716, *ch.* 4. *The like from them to* John Alla, 1716, *ch.* 9. *The like from them to* Thomas *and* John Davies, 1716, *ch.* 10.

K.

KING AND QUEEN *Pariſh, in* St. Mary's *County. A new Church to be built, and* Newport *Church to be repaired,* 1735, *ch.* 9; *and* 1736, *ch.* 13. *Its Bounds aſcertained,* 1748, *ch.* 4. See alſo, *Ibid. ch.* 9. *A Chapel of Eaſe to be erected,* 1750, *ch.* 21. Chaptico *Church to be repaired,* 1754, *ch.* 6.
King George's *Pariſh.* See *St. John's Pariſh in* Prince George's *County.*
Kingſbury, James. *A Deed to him from* Thomas Gibſon, *made valid, and to be recorded,* 1731, *ch.* 6.

K.

KING'S-TOWN, *upon* Chester, *Erected*, 1732, *ch.* 18.

Kitton, Theophilus. *A Deed to him from* John Gray, *confirmed*, 1727, *ch.* 19.

Knighton, Thomas. *His Last Will confirmed*, 1707, *ch.* 7.

Knighton, Thomas. *Part of three Tracts, in* Prince George's *County, called* Happy Choice, Clarke's Groves, *and the* Addition to Clarke's Groves, *settled on him, and the Heirs of his Body, in Lieu of* Marshe's Seat *in* Anne-Arundel *County*, 1730, *ch.* 14.

L.

LADD, Richard, *(Capt.)* See *Christ-Church Parish in* Calvert *County.*

Languishing Prisoners. A LIST of such as have been Relieved by particular Acts.

Ashley, Matth.	1724,*ch.*12.	*Creagh, Mary*	1718,*ch.* 7.	*Hyatt, Edward*	1731,*ch.*17.	*Petticoat, John*	1727,*ch.*21.
Austin, Wm.	1731,*ch.*17.	*Davis, Thomas*	1730,*ch.*18.	*Jacks, Thomas*	1730,*ch.*18.	*Poulson, Gilbert*	1721,*ch.*18.
Bafoot, Wm.	1741,*ch.*11.	*Dawson, Nich.*	1757,*ch.*15.	*James, W. Wil.*	1742,*ch.*16.	*Powel, John*	1728,*ch.*21.
Balrose, Chr.	1723,*ch.*22.	*Dean, Abr.*	1756,*ch.*11.	*Jarvis, Wm.*	1722,*ch.*22.; 1723,*ch.*10.	*Pratt, William*	1736,*ch.*18.
Barkley, Tho.	1753,*ch.*11.	*Deavor, Sam.*	1740,*ch.*12.	*Jenkings, Geo.*	1742,*ch.*16.	*Price, Thomas*	1728,*ch.*21.
Barnet, John	1757,*ch.*15.	*Deford, Lewis*	1756,*ch.*11.	*Johnson, Arch.*	1732,*ch.*32.	*Ratcliffe, John*	1724,*ch.*12.
Barrow, Rich.	1731,*ch.*17.	*Dogan, Edw.*	1755,*ch.*17.	*Johnson, Peter*	1756,*ch.*11.	*Reyley, Pat.*	1733,*ch.* 4.
Bateman, Chr.	1719,*ch.*10.	*Dorsey, Frances*	1724,*ch.*12.	*Jones, Edward*	1724,*ch.*12.	*Reynolds, Tho.*	1755,*ch.*17.
Bateman, John	1757,*ch.*15.	*Dossey, Edw.*	1756,*ch.*11.	*Jones, William*	1727,*ch.*21.	*Richardson, Jos.*	1744,*ch.*28.
Beezley, Tho.	1723,*ch.*22.	*Dunbar, Goven*	Ibid.	*Joy, Thomas*	1744,*ch.*28.	*Rind, Anne*	1741,*ch.*17.
Beldom, John	Ibid.	*Duvall, Mareen*	1720,*ch.*27.	*Kenslagh, Dom.*	1718,*ch.* 7.	*Robertson, Wm.*	1731,*ch.*17.
Bell, John	1756,*ch.*11.	*Edwards, Rich.*	1728,*ch.*21.	*Lambden, Tho.*	1755,*ch.*17.	*Robinson, John*	1721,*ch.*18.
Benson, George	1757,*ch.*15.	*Eilbeck, Philip*	1718,*ch.*17.	*Law, Edmund*	1757,*ch.*15.	*Roper, Richard*	1731,*ch.*17.
Berrisford, J.	1756,*ch.*11.	*Evans, Robert*	1742,*ch.*16.	*Libby, John*	1730,*ch.*18.	*Russel, George*	1742,*ch.*16.
Berry, Benj.	1755,*ch.*17.	*Fanning, James*	1757,*ch.*15.	*Lisle, Samuel*	1719,*ch.*10.	*Sewel, Peter*	1715,*ch.*20.; 1716,*ch.*12.
Biggs, Wm.	1740,*ch.*12.	*Farthing, W. Ma.*	1727,*ch.*21.	*Lomax, Cleyborn*	1733,*ch.* 4.	*Sexton, George*	1721,*ch.*18.
Bonfield, Chr.	1728,*ch.*21.	*Ferrell, John*	1723,*ch.*22.	*Lumley, John*	1742,*ch.*16.	*Seymour, Nich.*	1757,*ch.*15.
Bradford, John	1737,*ch.*17.	*Floyd, Robert*	1744,*ch.*28.	*Lynch, Robert*	1731,*ch.*17.	*Shore, Thomas*	1724,*ch.*12.
Braham, Anne	1724,*ch.*12.	*Freeman, Ben.*	1729,*ch.*23.; 1730,*ch.*18.	*Lynham, Philip*	1756,*ch.*11.	*Shubbard, John*	1753,*ch.*35.
Brashiers, Rob.	1742,*ch.*16.	*Gannon, Cha.*	1742,*ch.*16.	*Macartey, Cha.*	Ibid.	*Simpson, Rich.*	1731,*ch.*17.
Brett, Cath.	Ibid.	*Gardiner, Chr.*	1729,*ch.*16.	*Macauley, John*	Ibid.	*Sims, Alexander*	1732,*ch.*32.
Brittingham, N.	1755,*ch.*17.	*Garrish, Anne*	1756,*ch.*11.	*Mackey, Patrick*	1741,*ch.*11.	*Smith, Esther*	1718,*ch.* 7.
Brooke, John	1731,*ch.*17.	*Gay, Thomas*	1757,*ch.*15.	*Mackintosh, Ja.*	1730,*ch.*18.	*Smith, J. P. Geo.*	1730,*ch.*18.
Bromfield, Pet.	1728,*ch.*21.	*Gilly, Clarina*	1727,*ch.*21.; 1728,*ch.*21.	*Macklin, Alice*	1730,*ch.*18.	*Smith, J. Cæcil*	1730,*ch.*24.
Brown, John	1756,*ch.*11.	*Glassington, J.*	1727,*ch.*21.	*Maclester, Jos.*	1741,*ch.*11.	*Smith, Richard*	1731,*ch.*17.
Brown, T. Talb't	1731,*ch.*17.	*Glover, John*	1756,*ch.*11.	*Macmullen, Al.*	1757,*ch.*15.	*Somes, Thomas*	1756,*ch.*11.
Brown, T. P. G.	1742,*ch.*16.	*Glover, Samuel*	1727,*ch.*21.	*Mahony, Corn.*	1744,*ch.*28.	*Standforth, Ric.*	1736,*ch.*18.
Budd, John	1719,*ch.*10.	*Goff, Joseph*	1723,*ch.*22.	*Mackensie, Ken.*	1728,*ch.*21.	*Steel, Samuel*	Ibid.
Bull, Constantine	1756,*ch.*11.	*Gold, John*	Ibid.	*Manning, T.*	1707,*ch.* 3.; 1720,*ch.*23.	*Stevens, Samuel*	1728,*ch.*21.
Burkelo, Ab. Van	1728,*ch.*21.	*Gordon, Mary*	1728,*ch.*21.	*Mark, Robert*	1756,*ch.*11.	*Talbot, Jo. sen.*	1757,*ch.*15.
Burros, Wm.	1740,*ch.*12.	*Gough, Adam*	1756,*ch.*11.	*Mason, James*	1731,*ch.*17.	*Tapper, James*	1756,*ch.*11.
Burston, Wm.	1731,*ch.*17.	*Grace, William*	Ibid.	*Matherly, Wm.*	1757,*ch.*15.	*Tate, Francis*	1742,*ch.*16.
Busey, Paul	1742,*ch.*16.	*Grant, Eliz.*	Ibid.	*Maynard, Wm.*	1756,*ch.*11.	*Taylor, Michael*	1740,*ch.*12.
Bush, John	1756,*ch.*11.	*Green, John*	Ibid.	*Medcalf, John*	1724,*ch.*12.	*Taylor, Thomas*	1731,*ch.*17.
Butcher, Sarah	1740,*ch.*12.	*Greenwood, Wil.*	Ibid.	*Milton, Edm.*	1742,*ch.*16.	*Templeman, Hen.*	1741,*ch.*11.
Butler, Avinio	1727,*ch.*21.	*Gray, Robert*	1719,*ch.*10.	*Mitchell, John*	Ibid.	*Thompson, Jos.*	1756,*ch.*11.
Cardiffe, Rob.	1731,*ch.*17.	*Gray, William*	1730,*ch.*18.	*Mitchell, Susan.*	1724,*ch.*12.	*Thompson, Tho.*	Ibid.; 1757,*ch.*15.
Carroll, Patrick	1756,*ch.*11.	*Griffin, Wil.*	1722,*ch.*22.; 1723,*ch.*10.	*Mooney, Charles*	1757,*ch.*15.	*Tivis, Robert*	1721,*ch.*18.
Carter, James	1740,*ch.*12.	*Hall, Daniel*	1731,*ch.*17.	*Morris, Robert*	1722,*ch.*22.	*Todd, Thomas*	1755,*ch.*17.
Castlo, Andrew	1721,*ch.*18.	*Hall, Jasper*	1755,*ch.*17.	*Murray, Sus.*	1742,*ch.*16.	*Topping, Peter*	1741,*ch.*11.
Catteral, Tho.	1756,*ch.*11.	*Hammond, Nic.*	1741,*ch.*11.	*Myres, Jacob*	1756,*ch.*11.	*Tracey, Jacob*	1757,*ch.*15.
Cazear, Philip	1750,*ch.*18.	*Henley, John*	1723,*ch.*22.	*Nicholson, John*	1730,*ch.*18.	*Tracey, Pierce*	Ibid.
Clagget, Geo.	1731,*ch.*17.	*Hayes, John*	1756,*ch.*11.	*Nimmo, John*	1756,*ch.*11.	*Freenor, Solomon*	1742,*ch.*16.
Clarke, Geo.	1756,*ch.*11.	*Hay, Lawrence*	1727,*ch.*21.	*Nimmo, Wm.*	1731,*ch.*17.	*Tunney, Isaac*	1736,*ch.*18.
Clarke, Hez.	1729,*ch.*23.	*Head, Bigger*	1757,*ch.*15.	*Nivisson, Abr.*	1757,*ch.*15.	*Turner, Thomas*	1723,*ch.*22.
Clarke, John	1731,*ch.*17.	*High, Robert*	1718,*ch.*17.	*Noble, Robert*	1744,*ch.*28.	*Uffleman, P. An.*	1727,*ch.*21.
Clarke, Rich.	1756,*ch.*11.	*Hill, Anthony*	1742,*ch.*16.	*Norton, William*	1724,*ch.*12.	*Vernal, Thomas*	1731,*ch.*17.
Clements, John	1723,*ch.*22.; 1724,*ch.*12.	*Hilliard, Benj.*	1731,*ch.*17.	*Norwood, Edw.*	Ibid.	*Vines, John*	1730,*ch.*18.
Clements, W. jun.	1742,*ch.*16.	*Hill, Thomas*	1727,*ch.*21.; 1728,*ch.*21.	*Norwood, John*	1731,*ch.*17.	*Walls, George*	1717,*ch.* 3.
Cloak, Thomas	1757,*ch.*15.	*Horn, James*	1757,*ch.*15.	*Nowel, John*	1723,*ch.*21.	*Walmsley, Rich.*	1756,*ch.*11.
Cobb, Thomas	1723,*ch.*22.	*Howard, Tho.*	1730,*ch.*18.	*OConnor, Fr.*	1744,*ch.*28.	*Walmsley, Rob.*	1742,*ch.*16.
Collins, Thomas	1756,*ch.*11.	*Huggel, Honor*	1742,*ch.*16.	*Oldfield, Esther*	1718,*ch.* 7.	*Ward, James*	1728,*ch.*21.
Connaway, John	1721,*ch.*10.	*Hull, Daniel*	1753,*ch.*34.	*Oldham, Thomas*	1724,*ch.*12.	*Webb, Thomas*	1757,*ch.*15.
Conway, John	1727,*ch.*21.	*Hunt, John*	1756,*ch.*11.	*Oliver, John*	Ibid.	*Wells, Daniel*	1755,*ch.*17.
Cooke, John	Ibid.	*Hurst, John*	1724,*ch.*12.	*Onealis, Anthony*	1730,*ch.*18.	*West, John*	1742,*ch.*16.
Corbett, Garret	1742,*ch.*16.			*Owen, William*	1724,*ch.*12.	*Wood, John*	1727,*ch.*21.
Cornelius, John	1730,*ch.*18.			*Peck, Samuel*	1742,*ch.*16.	*Worsley, Tho.*	1729,*ch.*23.; 1730,*ch.*18.
Cowley, Edw.	1741,*ch.*11.			*Palmer, Thomas*	1730,*ch.*18.	*Wright, Na.*	1728,*ch.*21.; 1757,*ch.*15.
				Parker, Anthony	1733,*ch.* 4.	*Wyley, Thomas*	1756,*ch.*11.
				Parsons, J. Te.	1756,*ch.*11.		
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ADVERTISEMENT.

UPON an accurate Examination of the foregoing Edition, a conſiderable Number of Errors have been diſcovered; the moſt material of which (either as obſcuring the Senſe, or miſguiding by References relative to Acts now in being) are noted in the following Liſt. Some few of theſe appear to be Errors of the Printer, and others owing to Miſtakes in the Manuſcript (chiefly in the References) which had eſcaped Obſervation before the Copy was ſent down, and by the Editor's Diſtance from the Preſs rendered irremediable. Some other Errors will appear to the judicious Reader which are neither to be attributed to the Printer nor Editor, being Faults in the Original Acts, or remaining Records, and were neceſſary to be ſo printed in Compliance with the Atteſtation upon Oath which ſtands at the Concluſion of the Year 1762. Theſe are diſtinguiſhed in the following Liſt by an Aſteriſk, or this Mark (*), prefixed.

ERRATA.

1661, *ch.* 7, in the Note under the Title, for 1684, *ch.* 2, r. 1682, *ch.* 4.
—— *Ibid.* §. 1, in the Marginal Note, for *ch.* 20, r. *ch.* 17.
1671, *ch.* 11, in the Note under the Title, l. 12, for 1650, *ch.* 9, r. 1649, *ch.* 9.
1676, *ch.* 3. in the Title, l. 3, for *Cæcilius*, r. *Charles.*
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—— *ch.* 55, in the Note, for 1696, r. 1699.
1694, *ch.* 8, §. 3, l. 6, dele *that.*
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* 1696, *ch.* 17, §. 10, l. 9, for *ſee*, r. *ſeem.*
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* —— *ch.* 36, §. 12, l. 1, dele *are.*
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—— *ch.* 43, §. 2, l. 12, for *with*, r. *within.*
* —— *Ibid.* §. 14, l. 4, for *or any Indian*, r. *of any Indian.*
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* 1723, *ch.* 19, §. 8, l. 28, for *of a pious*, r. *of pious.*
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LAWS

OF

MARYLAND,

MADE AND PASSED

AT

TWO SESSIONS OF ASSEMBLY,

Begun and Held at the City of *Annapolis*, on Monday the 23d Day of *September*: And

On Friday the First Day of *November*; in the Fifteenth Year of the Dominion of the Right Honourable *FREDERICK*, Lord Baron of *Baltimore*, Absolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, &c. *Annoque Domini*, 1765.

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On Friday the First Day of November; in the Fifteenth Year of the Dominion of the Right Honourable FREDERICK, Lord Baron of Baltimore, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, &c. Anno Domini, 1765.

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Monday the 23d Day of *September*, in the 15th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 28th Day of *September*, *Anno Domini* 1765: The following Law was Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

An ACT to continue all ſuch Acts of Aſſembly of this Province, as would expire with this Seſſion of Aſſembly.

All Laws which would have expired with the Seſſion, continued.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all, and every, Acts and Act of Aſſembly of this Province, now in Force, and which would expire with this Seſſion of Aſſembly, if the ſame were not provided for, ſhall be, and are hereby continued in full Force, until the End of the next Seſſion of Aſſembly, and no longer.

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Friday the Firſt Day of *November*, in the 15th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 20th Day of *December*, *Anno Domini* 1765: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. II.

A Supplementary ACT to the Act, entitled, *An Act relating to the Standard of* Engliſh *Weights and Meaſures.*

Preamble.

WHEREAS, by the Act, entitled, *An Act relating to the Standard of* Engliſh *Weights and Meaſures*, no Penalty is impoſed upon Perſons Buying by any Dry Meaſure or Meaſures, without firſt having the ſaid Meaſure or Meaſures Tried and Stamped at the Standard, as there is upon the Seller. And whereas it is repreſented to this General Aſſembly, that many Buyers of Grain, Flax-ſeed, and other Commodities, when the People have carried them a great Diſtance to Market, refuſe to buy them unleſs by Meaſure or Meaſures of their own, which have been found, upon Trial, to be larger than the Standard aforeſaid.

CHAP. II.

Penalty on Perſons buying, unleſs the Meaſures are agreeable to the Act of 1715, *ch.* 10.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That if any Perſon or Perſons, ſhall hereafter Buy by any Dry Meaſure or Meaſures, being his, her, or their Property, or found or provided by him, her, or them, contrary to the true Intent and Meaning of the above recited Act, he, ſhe or they, ſhall forfeit and pay the Sum of Five Pounds Current Money for every Offence; one Half thereof to the Informer, or him, her or them, that ſhall ſue for the ſame, and the other Half to be paid into the Hands of the Treaſurer of the reſpective Shore where ſuch Forfeiture ſhall happen, and applied as the General Aſſembly for the Time being ſhall direct and appoint; to be recovered in any Court of Record within this Province, by Action on the Caſe, Action of Debt, Bill of Indictment or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Action to be brought in a Year.

III. Provided always, That ſuch Action ſhall be commenced within one Year from the Time of the ſaid Offence being Committed, and not afterwards.

CHAP. III.

An ACT for the further Enlargement of *Baltimore-Town*, in *Baltimore* County. [*A Private Act.*]

CHAP. IV.

A Supplementary ACT to the Act, entitled, *An Act aſcertaining what Damages ſhall be allowed upon Proteſted Bills of Exchange.*

Inland Bills, &c. of equal Nature with Foreign, &c.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Debt or Damage which ſhall or may become due, or ariſe upon or from the Non-Payment of any Inland Bill of Exchange, Order, or Negotiable Note, which ſhall or may be Drawn or Paſſed after the firſt Day of *January* next, ſhall be deemed and accounted a Debt of equal Nature with any Foreign Proteſted Bill of Exchange, returned into this Province within Four Years after the Date thereof; and in the Payment of Debts by Executors or Adminiſtrators, ſhall be diſcharged in the ſame Rank and Degree with ſuch Foreign Proteſted Bill as aforeſaid, timely Notice being given thereof.

Continuance.

II. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years.

CHAP. V.

An ACT to enable the Juſtices of *St. Mary*'s County Court, to aſſeſs and levy on the Taxable Inhabitants of *St. Andrew*'s Pariſh, a Quantity of Tobacco for building a Church, and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Rector, Veſtry-men, Church-wardens, and other the principal Inhabitants of *St. Andrew's* Pariſh, in *St. Mary's* County, by their humble Petition to this General Aſſembly, have ſet forth, That the Church of the ſaid Pariſh is an ancient Building, very much gone to Ruin, ſo that it cannot be expected to ſtand long, nor is it practicable to repair the ſame; they therefore humbly pray that an Act may paſs, to enable the Juſtices of the ſaid County, to levy on the Taxable Inhabitants of the ſaid Pariſh, the Sum of Two Hundred Thouſand Pounds of Tobacco,

Tobacco, clear of all Deductions, and Sheriff's Salary for Collection; to be levied at Three equal Assessments, in order to build a new Church in the said Parish, which being by this present General Assembly thought reasonable: CHAP. V.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That it shall and may be lawful, to and for the Justices of *St. Mary*'s County Court, for the Time being, and they are hereby authorized and required, at the laying their County Levy in *November* Court, Seventeen Hundred and Sixty-six, and so in *November* Court yearly, until the Year Seventeen Hundred and Sixty-eight inclusive, to assess and levy by Three equal Assessments on the Taxable Inhabitants of *St. Andrew*'s Parish, in the said County, a Quantity of Tobacco, not exceeding Two Hundred Thousand Pounds of Tobacco in the whole Three Assessments, clear of the Sheriff's Salary of Five per Cent for Collecting the same, which said Sum of Two Hundred Thousand Pounds of Tobacco, the said Sheriff is hereby authorized and required to collect and receive accordingly; and when so collected and received, to pay the same to the Order of the Vestry-men and Church-wardens of the said *St. Andrew*'s Parish, for the Time being, to be by them applied to the finishing and compleating a Parish Church, for the Use of the said Parishioners, and to no other Use or Purpose whatsoever.

200,000 lb Tobacco, to be levied at Three Assessments.

III. **And** whereas the Place where the Church now stands, is inconvenient in its Situation to many of the Parishioners, who are desirous to have the same built as near the Center of the said Parish as can be judged; **Be it further Enacted**, *by the Authority aforesaid*, That the Rector, Vestry-men and Church-wardens, or the major Part of them of the said Parish, are hereby authorized and impowered to purchase out of the Tobacco hereby granted, Two Acres of Land, which they shall judge the most convenient Place in the said Parish, for erecting and building the said Church upon, and which Two Acres, when purchased, shall be and remain to and for the Use of the Parish aforesaid, for ever.

Rector, &c. to purchase Land for building a new Church.

CHAP. VI.

An ACT to enable the Justices of *St. Mary*'s County Court, to assess and levy on the Taxable Inhabitants of *All-Faith*'s Parish, a Quantity of Tobacco, and for other Purposes therein mentioned.

WHEREAS it is represented to this General Assembly, by a Petition from the Vestry-men and Protestant Inhabitants of the Parish of *All-Faith*'s, in *St. Mary*'s County, that the Church of the said Parish is utterly decayed, and that the Inhabitants of the said Parish are in Want of a new Church, and also a Chapel of Ease, and have by their Petition prayed, that a Quantity of Tobacco, not exceeding One Hundred and Twenty Thousand, may be assessed and levied on the Taxable Inhabitants of the said Parish, at not less than Three equal Assessments and Collections, for the Purpose of building and erecting a new Church, and also a Chapel of Ease for the said Parish. And whereas they have further by their Petition set forth, that there are upwards of Two Hundred Taxables which were extra-parochial before the Death of the Revd Mr. *Urquhart*, and which by his Death became added and united to *All-Faith*'s Parish, and that the several and respective Sheriffs of *St. Mary*'s County, from the Time the said Taxable Inhabitants became extra-parochial, have collected and received the Thirty per Poll, without accounting to any one for the same, and they have prayed, that the Tobacco so by the Sheriffs collected and received from those extra-

Preamble.

CHAP. VI.

extra-parochial Taxables, until the Death of Mr. *Urquhart*, and which by his Death became added and united to *All-Faith*'s Pariſh, may be accounted for and paid by the ſeveral and reſpective Sheriffs, to the Rector, Veſtry-men and Church-wardens, of the ſaid Pariſh, and to be by them added to the Quantity of Tobacco hereby intended to be aſſeſſed and levied, for the better erecting, building, finiſhing, and compleating the ſaid Pariſh Church, and alſo the Chapel of Eaſe, it is therefore prayed that it may be Enacted:

Juſtices to levy 120000 lb Tobacco at 3 Aſſeſſments.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of *St. Mary*'s County Court, for the Time being, are hereby authorized and impowered to aſſeſs and levy at their next *November* Court, on the Taxable Inhabitants of *All-Faith*'s Pariſh, the Quantity of One Hundred and Twenty Thouſand Pounds of Tobacco, together with the Sheriff's Salary of Five *per Centum* for Collection, at not leſs than Three equal Aſſeſſments, which ſaid Quantity of One Hundred and Twenty Thouſand Pounds of Tobacco, ſhall be collected and levied by the Sheriff of the ſaid County, who is hereby authorized and directed to collect and levy the ſame, in the ſame Manner as other Pariſh Aſſeſſments are by Law directed to be levied and collected; and the ſaid Tobacco, when collected, according to each Years equal Aſſeſſment, ſhall be paid to the Veſtry-men and Church-wardens of the ſaid Pariſh.

Veſtry-men, &c. to receive 30 per Poll from the extra-parochial Taxables.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That the Veſtry-men and Church-wardens of the ſaid Pariſh, are hereby authorized and impowered, to receive and collect of and from the ſeveral and reſpective Sheriffs, or in caſe of their or either of their Death, from their Executors or Adminiſtrators, who ſhall or may have collected and received ſuch Thirty per Poll, from the extra-parochial Taxable Inhabitants, which by the Death of the Revd Mr. *Urquhart* the late Rector, became added and united to the ſaid Pariſh of *All-Faith*'s, which ſaid Tobacco, the ſaid Sheriffs or their Executors or Adminiſtrators, are hereby obliged to pay unto the ſaid Veſtry-men and Church-wardens.

Rector, &c. impowered to Contract, for building a Church and Chapel of Eaſe.

IV. **And be it further Enacted**, *by the Authority aforeſaid*, That the Rector, Veſtry-men and Church-wardens, of the ſaid Pariſh, or the major Part of them, are hereby authorized and impowered, directed and required, to Agree and Contract with a Workman or Workmen to undertake, erect, build, and in a Work-man-like Manner compleat and finiſh, on the Place where the preſent decayed Pariſh Church now ſtands, a new Pariſh Church, to and for the Uſe of the Pariſh aforeſaid, and alſo in like Manner, to agree and contract for the building of a Chapel of Eaſe for the ſaid Pariſh, on the Land of Mr. *Thomas Reeder*, where a certain *John Knott* of *St. Mary*'s County formerly lived. And the ſaid Rector, Veſtry-men and Church-wardens, or the major Part of them, are hereby enabled and impowered to agree with, and purchaſe from the ſaid *Thomas Reeder*, One Acre of the Land whereon *John Knott* formerly lived, for the Purpoſe of building the ſaid Chapel of Eaſe, which ſaid Acre of Land, when bought, ſhall be and remain to and for the Uſe of the Pariſh aforeſaid.

CHAP. VII.

An ACT for the Benefit of the Poor, and Encouragement of Induſtry.

Preamble.

WHEREAS the making of Linen Cloth, of Flax and Hemp of the Growth of this Province, wou'd be of great Advantage to the Inhabitants thereof; to the End therefore that ſo uſeful and beneficial a Work may be encouraged, it is prayed that it may be Enacted:

II. And

CHAP. VII.

Juſtices impowered to aſſeſs 8000 lb Tobacco yearly, to be partly applied in Bounties on Linen, regard being had to the Whiteneſs:

II. And be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That at the *November* County Courts within this Province, next after the End of this preſent Seſſion of Aſſembly, and at every *November* Court during the Continuance of this Act, the Juſtices of each reſpective County, ſhall aſſeſs on the Taxable Inhabitants of each reſpective County, the Sum of Eight Thouſand Pounds of Tobacco, in the ſame Manner as the other County Charges are aſſeſſed, together with Six per Cent for the Sheriff's Salary, to be paid to and collected and levied by the ſaid Sheriffs, in the ſame Manner as County Levies are paid, collected, and levied, to be applied to the Uſes and Purpoſes following, *That is to ſay*, Eleven Hundred Pounds of Tobacco, to be paid to the Perſon who ſhall bring to *Auguſt* Court next enſuing, on Wedneſday in the firſt Week thereof, and to every *Auguſt* Court afterwards, during the Continuance of this Act, on the ſame Day and Week thereof, the beſt Piece of Linen Cloth, of Twenty-five Yards at leaſt in Length, and One Yard at leaſt in Breadth; the Sum of One Thouſand Pounds of Tobacco, to the Perſon who ſhall bring the ſecond beſt Piece, of the Length and Breadth aforeſaid; Nine Hundred Pounds of Tobacco, to the Perſon who ſhall bring the third beſt Piece of Linen, of the Length and Breadth aforeſaid; the Sum of Eight Hundred Pounds of Tobacco, to the Perſon who ſhall bring the fourth beſt Piece of Linen, of the Length and Breadth aforeſaid; the Sum of Seven Hundred Pounds of Tobacco, to the Perſon who ſhall bring the fifth beſt Piece of Linen of the Length and Breadth aforeſaid: In which ſaid Pieces of Linen regard ſhall be had, by the Juſtices of the reſpective Courts, who are hereby impowered to view, examine, and determine, on all Linen to be produced in Conſequence of this Act, to the Quality and Whiteneſs thereof.

Reſidue how to be applied, no regard to be had to the Whiteneſs.

III. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That the Reſidue of the ſaid Eight Thouſand Pounds of Tobacco, ſo to be levied as aforeſaid, by virtue of this Act, ſhall be paid and applied to the ſeveral Perſons and Uſes following, *That is to ſay*, To the Perſon who ſhall bring into the *Auguſt* Court aforementioned, on the reſpective Days thereof aforementioned, the firſt beſt Piece of Linen of Twenty-five Yards at leaſt in Length, and not under One Yard wide, the Sum of Nine Hundred Pounds of Tobacco. To the Perſon who ſhall bring in the ſecond beſt Piece of Linen of the Length and Breadth laſt deſcribed, the Sum of Eight Hundred Pounds of Tobacco. To the Perſon who ſhall bring in the third beſt Piece of Linen of the Length and Breadth aforeſaid, the Sum of Seven Hundred Pounds of Tobacco. To the Perſon who ſhall bring in the fourth beſt Piece of Linen of the Length and Breadth aforeſaid, the Sum of Six Hundred Pounds of Tobacco. To the Perſon who ſhall bring in the fifth beſt Piece of Linen of the Length and Breadth aforeſaid, the Sum of Five Hundred Pounds of Tobacco: In which ſaid Pieces of Linen, no Regard ſhall be paid to the Whiteneſs.

Provided the Flax, &c. be made, &c. in the County.

IV. Provided always, That the Linen for which the Bounty by this Act is to be given and allowed, ſhall be made of Flax or Hemp of the Growth of this Province, and that ſuch Flax and Hemp ſhall be actually Manufactured, after the Swingling thereof, by White Perſons only, and that no Perſon ſhall be allowed any Bounty for Linen, but in the County where the Flax or Hemp is Spun, and the Linen Wove and Whitened, and the Linen aforeſaid ſhall be Wove by White Perſons, after the End of this Seſſion of Aſſembly; to all which, ſuch Proof ſhall be made, as ſhall be ſatisfactory to the Juſtices of the reſpective County Courts, before whom the ſame ſhall be brought.

V. And provided likewiſe, That it ſhall and may be lawful for the ſaid reſpective Juſtices, and they are hereby required, to cut each Piece of Linen,

CHAP. VII.

Juſtices to cut the Linen into Two equal Parts.

for which the Bounty is allowed, into Two equal Parts, or to uſe ſuch Methods as they ſhall think fit, without much Damage to ſuch Linen, to prevent two Rewards being given for one and the ſame Piece of Linen, and then to return it to the Bringer or Proprietor thereof. *Provided alſo*, That where the Tobacco levied as aforeſaid, ſhall not be applied to the Uſes aforeſaid, then the Juſtices of the County Courts where ſuch Application ſhall not be made, ſhall apply the Tobacco ſo levied, to the County, the enſuing Year.

Continuance.

VI. This Act to continue Five Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Five Years.

CHAP. VIII.

An ACT for the Building a Veſtry Houſe, at *St. Paul*'s Church, in *Kent* County.

Preamble.

WHEREAS the Veſtry-men, Church-wardens, and other Inhabitants of *St. Paul*'s Pariſh, in *Kent* County, have by their Petition to this General Aſſembly repreſented, That there is at this Time, a large Quantity of Tobacco in the Hands of the ſaid Veſtry, over and above the neceſſary Repairs of the ſaid Pariſh, by Reaſon of a Vacancy of an Incumbent in the ſaid Pariſh, for ſome Time paſt, and Pray that the ſaid Veſtry may be enabled to apply Twenty Thouſand Pounds of the ſaid Tobacco, towards erecting and finiſhing a ſufficient and convenient Veſtry Houſe at the Pariſh Church of the ſaid Pariſh, and for the ſame, when built, to be and remain under the Care of the Veſtry, in the ſame Manner as other Pariſh Buildings.

Veſtry to contract for the building of a Veſtry Houſe,

for 20,000 lb Tobacco.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That it ſhall and may be lawful, for the Veſtry aforeſaid, and they are hereby directed and required in ſome ſhort Time after this Seſſion of Aſſembly, to contract and agree with ſome proper Perſon or Perſons, for the erecting, building, finiſhing and compleating, a ſufficient and convenient Veſtry Houſe, at the Place aforeſaid, in the beſt Manner they can, ſo as not to Coſt above Twenty Thouſand Pounds of Tobacco at the moſt. The Coſt of which ſaid Veſtry Houſe, not exceeding Twenty Thouſand Pounds of Tobacco as aforeſaid, they are hereby impowered to pay out of the ſaid Tobacco, now in their Hands, belonging to the ſaid Pariſh: Any Law, Statute or Uſage to the contrary, in any wiſe notwithſtanding.

When built to remain under the Care of the Veſtry.

III. And be it further Enacted, *by the Authority, Advice and Conſent aforeſaid*, That the ſaid Veſtry Houſe, when built, ſhall be and remain under the Care of the Veſtry, in the ſame Manner as other Pariſh Buildings.

CHAP. IX.

An ACT to revive and aid the Proceedings of *Cæcil* County Court.

Preamble.

WHEREAS *Cæcil* County Court, held in the Month of *March*, in the Year One Thouſand Seven Hundred and Sixty-four, was by Adjournment, continued until the Fifteenth Day of *May* in the ſame Year, at which Fifteenth Day of *May*, a new Commiſſion of the Peace for the ſaid County was open'd and publiſhed, under which, none of the Commiſſioners therein named did Qualify themſelves, by Reaſon whereof, the Actions, Proceſs and Proceedings, depending and undetermined in the ſaid *March* Court, were diſcontinued: For aiding therefore the ſaid Actions, Proceſs

ceſs and Proceedings, and ſo far as may be, relieving the Suitors of the ſaid Court, from the Loſs and Damage that might be occaſioned by ſuch Diſcontinuance. CHAP. IX.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Actions, Proceſs and Proceedings, as well Criminal as Civil, which were depending and undetermined in the ſaid *Cecil* County Court, held in the Month of *March*, in the Year One Thouſand Seven Hundred and Sixty-four, except as herein after excepted, ſhall be conſtrued, judged, and taken to be in the ſame Situation, State, and Condition, at the next *March* Court to be held for the ſaid County, and the Juſtices of the ſaid County Court, for the Time being, may then proceed to the hearing and determining, or further continuing, and thereafter hearing and determining the ſaid Actions, Proceſs and Proceedings, reſpectively, as the Caſe may require, as fully and effectually as the Juſtices of the ſaid Court, held in the ſaid Month of *March*, in the Year One Thouſand Seven Hundred and Sixty-four, could or might lawfully have done; the ſaid Diſcontinuance or any other Matter or Thing to the contrary in any wiſe notwithſtanding. Proceſs, &c. revived in *Cecil* County Court.

III. **Provided nevertheleſs**, That in caſe any Plaintiff or Plaintiffs, in any Suit or Suits ſo diſcontinued, hath or have brought his, her, or their Action or Actions a-new, ſince ſuch Diſcontinuance, and hath or have cauſed or procured the Defendant or Defendants therein, to be Arreſted, or where either the Plaintiff or Defendant in any of the ſaid Actions, hath died ſince ſuch Diſcontinuance, by Reaſon whereof, ſuch Suit or Suits would have been diſcontinued if the ſame had been depending at the Time of ſuch Death, or ſhall die before the ſaid next *March* Court, ſuch Actions ſhall not be taken to be within, but are hereby excepted out of, the Proviſions of this Act. Proviſo.

IV. **Provided alſo**, that nothing in this Act ſhall extend or be conſtrued to charge or make liable, the Bail in any Action ſo diſcontinued, or the Bail or Sureties Bound by Recognizance for the Appearance of any Perſon or Perſons, criminally proſecuted at the ſaid *March* Court, One Thouſand Seven Hundred and Sixty-four, and on which Recognizance no Default was then entered, but ſuch Bail and Sureties ſhall be in the ſame State and Condition, as if this Act had never been made. Proviſo in regard to Bail.

V. **And be it further Enacted**, That in caſe where the ſaid Actions ſo diſcontinued, or any of them, were brought and proſecuted within the Time limited by Law, and the Plaintiff or Plaintiffs, Defendant or Defendants, hath or have died ſince ſuch Diſcontinuance, or ſhall die before the ſaid next *March* Court to be held for the ſaid County, it ſhall and may be lawful for the ſaid Plaintiff or Plaintiffs, his, her, or their Executors or Adminiſtrators, to bring his, her, or their ſaid Action or Actions a-new, againſt the ſaid Defendant or Defendants, his, her, or their Executors or Adminiſtrators, reſpectively, as the Caſe may require, and to proſecute the ſame with Effect, and ſhall not be barred in ſuch Action or Actions by any Act of Limitation; Provided ſuch new Action or Actions ſhall be commenced on or before the Firſt Day of *Auguſt*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſix. In Caſe of Diſcontinuance or Abatement, Plaintiffs, or their Executors, &c. may bring Actions a-new.

CHAP. X.

An ACT to impower *Mary Covington*, Adminiſtratrix of *Philip Covington*, late of *Somerſet* County, Deceaſed, to ſell and diſpoſe of the Lands of the ſaid *Philip*, for the Purpoſes therein mentioned. [*A Private Act.*]

CHAP.

CHAP. XI.

An ACT to prevent the Miſchiefs ariſing from the Multiplicity of uſeleſs Dogs, and other Purpoſes therein mentioned.

Mode of Taxation, and how to be collected with relation to Dogs.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That during the Continuance of this Act, there ſhall be paid yearly, and every Year, to the Sheriff of the County, by every ſingle Perſon not having or keeping a Family, and having Property in or keeping any Dog above the Age of Six Months, of what Size or Kind ſoever, the Sum of One Shilling, and if there ſhou'd be more than One Dog owned or kept as aforeſaid, by any ſuch Perſon, the Sum of Five Shillings for every other Dog ſo owned or kept; and if there ſhou'd be more than One Dog owned or kept as aforeſaid, by any Maſter, Miſtreſs, or Head of a Family, at any one Plantation, or by him or her permitted or ſuffered to be kept thereon, by any Servant or Servants, Slave or Slaves, there ſhall be paid to the Sheriff as aforeſaid, by ſuch Maſter, Miſtreſs, or other Head of a Family; the Sum of One Shilling for every other Dog ſo owned or kept, or permitted or ſuffered to be kept as aforeſaid. And that the Conſtables of the reſpective Hundreds, in the ſeveral Counties within this Province, ſhall yearly, and every Year, at the Time of taking the Taxables in their reſpective Hundreds, take an exact Account of the Number of Dogs owned or kept by any ſingle Perſon not having or keeping a Family, and alſo of the Number of Dogs, more than one, belonging to every Family, within their reſpective Hundreds, and the Perſon or Perſons liable to the Payment of the Sums of Money as aforeſaid, ſhall be obliged to give a Liſt thereof to the Conſtables, in the ſame Manner, under their Hands, as they are by Law obliged to give in their Taxables, and return two fair Liſts thereof to every *Auguſt* Court, with the Conſtables Liſts, one to be lodged with the Clerk of the County, the other to be delivered to the Sheriff, who is by this Act impowered and obliged to collect the Money aforeſaid, in the ſame Manner that the County Levy is collected. And if any Perſon or Perſons ſhall conceal or deny that he, ſhe, or they have Property in, or keep any ſuch Dog or Dogs, or hath or have permitted or ſuffered the ſame to be kept as aforeſaid, and the Conſtable hath Reaſon to believe the contrary, it ſhall and may be lawful for him, and he is hereby commanded to give in the Name or Names of the Perſon or Perſons ſo offending, or ſuppoſed to have offended, to ſome one Juſtice of the Peace of the reſpective County, who is hereby authorized and impowered, directed and required, to ſummon ſuch Perſon or Perſons, at a Day and Place by him prefixed, and there to examine ſuch Perſon or Perſons touching ſuch Complaint, and upon its appearing by ſufficient and diſintereſted Teſtimony to be true, the ſaid Juſtice ſhall give Judgment and grant Execution if need be, for the Sum of Twenty Shillings for every Dog ſo concealed or denied, belonging to or continuing at the Houſe of the ſaid Party or Parties ten Days next before the Information of ſuch Conſtable with Coſts, one Half of the ſaid Twenty Shillings to the Conſtable aforeſaid, the other Half to be paid to the Sheriff of the County, for the ſame Uſes as the Tax raiſed by virtue of this Act.

Damage done by Dogs, how to be remedied.

II. **And be it further Enacted,** *by the Authority aforeſaid,* That when any Perſon or Perſons within this Province, ſhall have ſuſtained Damage by Dogs, of any Kind, Age or Size, killing or wounding his, her, or their Sheep, it ſhall and may be lawful for him, her, or them, to call in two neighbouring Freeholders of good Credit, not being related to the Perſon or Perſons injured, who are hereby impowered to view the Sheep ſo killed or hurt, and if it ſhall appear upon poſitive or circumſtantial Proof to their Satisfaction, that they were killed or wounded by Dogs only, then the ſaid Freeholders, ſhall certify

tify the ſame with the true and real Value of the Sheep, or Damages ſuſtained, and the Number killed or hurt, under their Hands. CHAP. XI.

III. **And be it further Enacted,** *by the Authority aforeſaid,* That whenever any Sheep within this Province, ſhall be killed or hurt by any Dog or Dogs, and it is known whoſe Dog or Dogs it was or were that did the Miſchief, if the Owner or Poſſeſſor of ſuch Dog or Dogs ſhall neglect or refuſe to kill the ſame, Twenty-four Hours after Notice given thereof, or to make Satisfaction to the Perſon or Perſons ſo injured, after Demand made, it ſhall and may be lawful for the Perſon or Perſons ſo injured, to get the Value of the Sheep, or the Damages, certified by two creditable Freeholders as aforeſaid, whoſe Certificate ſhall be deemed and held to be ſufficient Evidence of the Fact certified as aforeſaid, and commence his, her, or their Action or Actions, againſt the Owner or Poſſeſſor of ſuch Dog or Dogs, before any ſingle Juſtice of the Peace of the County if Fifty Shillings or under; and if upwards, in the County Court of the County where the Damage was done, if the Owner or Poſſeſſor aforeſaid, ſhall not reſide in another County within this Province; and if he or ſhe ſhall reſide in another County, before a ſingle Juſtice of the County wherein he or ſhe ſhall reſide, if Fifty Shillings or under, or if above that Sum, in the County Court of the County wherein the ſaid Owner or Poſſeſſor ſhall reſide, and recover the ſame with Coſts of Suit.

Sheep kill'd or hurt by Dogs, the Damage to be made good by the Owner of ſuch Dogs.

Such Damages how Recover'd.

IV. **And be it further Enacted,** That if the Owner or Keeper of any Bitch, ſhall, whilſt ſhe is Proud or in Heat, ſuffer her to go at large from the limits of his, her, or their own Plantation or Tenement, or the Plantation or Tenement whereon he, ſhe, or they uſually keep ſuch Bitch, ſuch Owner or Keeper ſhall forfeit and pay the Sum of Twenty Shillings Current Money, for every ſuch Offence; to be recovered before a ſingle Juſtice of the Peace, with Coſts, as in caſe of ſmall Debts, one Half thereof to the Informer, the other Half to be paid to the Sheriff of the County, for the ſame Uſes as the Tax raiſed by virtue of this Act.

Penalty for ſuffering Proud Bitches, to go at Large.

V. **And be it further Enacted,** That if any Perſon or Perſons, ſhall find any Dog killing or worrying, or running after and purſuing his, her, or their Sheep, Hogs, or other Stock, within their own Incloſures, it ſhall and may be lawful for them, immediately to kill the ſame Dog or Dogs, and if it can be proved by any diſintereſted Evidence, that ſuch Dog had before killed or worried any Sheep, Hogs, or other Stock as aforeſaid, and the ſame came to the Knowledge of the Owner or Poſſeſſor thereof, then and in ſuch Caſe, it ſhall and may be lawful for the Perſon or Perſons injured, to get the Value of the Sheep or Damages, certified as above, and commence his or their Action for the Recovery thereof, as aforeſaid.

Dogs worrying Sheep, Hogs, *&c.* may be killed.

VI. **And whereas** it may often happen, that Sheep or Hogs may be killed and deſtroyed by idle, looſe, or diſorderly Perſons, hunting and rambling about on other Peoples Lands, with a Dog or Dogs, **Be it Enacted,** *by the Authority, Advice and Conſent aforeſaid,* That if any idle, looſe, or diſorderly Perſon, ſhall be hereafter ſeen hunting or ſtrolling about with a Dog or Dogs upon any Perſons Land, without the Owners Leave, he ſhall forfeit and pay the Sum of Twenty Shillings Current Money for every ſuch Offence; to be recovered before a ſingle Juſtice of the Peace, by Warrant, as in Caſe of ſmall Debts with Coſts, one Half thereof to the Informer, the other Half to be paid to the Juſtice before whom ſuch Recovery ſhall be had, and to be by him paid over to the Sheriff of the County, for the ſame Uſes as the Tax raiſed by virtue of this Act.

Perſons rambling on Lands, *&c.* with Dogs, forfeit 20*s.*

VII. **And be it further Enacted,** *by the Authority aforeſaid,* That the Sheriffs of each County, ſhall keep an exact Account of all the Monies they

CHAP. XI.

shall have received under this Act, and the said Monies shall keep in their Hands until the first Day of *November* Court, yearly, and shall attend at the Court-house of their respective Counties, on the said first Day of *November* Court, yearly, at which Time and Place, each and every Person having Certificates as aforesaid, shall produce them, in Order to be paid off by the Sheriffs of the Counties, respectively, who are hereby authorized and required to do the same, out of the Monies by them so collected and received as aforesaid, but if they or any of them shou'd not have Money sufficient to pay the whole, in such Case the several Claimants shall be paid in Proportion to their several Claims, all which Certificates shall be indorsed, expressing the Sums received thereon, and signed by the Persons receiving the same.

Monies received by Sheriffs, by virtue of this Act, to be by them paid every *November* Court.

Sheriffs Salary 6 per Cent.

VIII. **And be it further Enacted,** That the several Sheriffs shall and may retain in their Hands for their Salary or Commission, Six *per Centum* of the Monies collected and received in pursuance of this Act, and shall and are hereby required, to render a fair Account every *November* Court, to the Justices of each respective County, of the said Monies so received and paid away, with the Vouchers and Receipts of such Payment, and if any Overplus, the same to be applied by the said Justices, towards defraying the County Charge, at the laying the Levy.

Proviso, as to Part of *Frederick* County.

IX. **Provided nevertheless,** That this Act shall not extend to the South Mountain, in *Frederick* County, or to any Part of the said County to the Westward of the said South Mountain; any Thing in this Act contained to the contrary notwithstanding.

Convicts or Negroes, rambling with Dogs, may be Whipp'd;

X. **And be it Enacted,** *by the Authority aforesaid,* That in Case any Dog shall be found attending upon or following any Convict Servant, Negro, or other Slave, not being on the Plantation of his Master or Mistress, the Master, Mistress, or Overseer of such Servant or Slave, not being present, such Convict Servant or Slave, shall or may be taken up and carried before a single Justice of the Peace, and by his Order, receive any Number of Stripes on his naked Back, not exceeding Fifteen for any one Offence.

Except they have Leave from their Masters.

XI. **Provided always,** That in case the said Servant or Slave, shall have leave by Writing or otherwise from his Master, Mistress or Overseer, permitting or ordering such Servant or Slave to be attended or followed by any Dog, that such Servant or Slave shall not be liable to the Punishment aforesaid.

A Fine of 20s. on Heads of Families, for giving the Constable wrong Lists.

XII. **And be it Enacted,** *by the Authority aforesaid,* That in case any Master, Mistress, or other Head of a Family, shall give in to the Constable, any Dog or Dogs not in Fact belonging to, or kept for the proper Use or Convenience of such Master, Mistress, or other Head of a Family, in Order and for the Purpose of evading the Tax aforesaid intended to be imposed by this Act, upon Dogs owned or kept by single Persons, not having or keeping a Family, such Master, Mistress, or other Head of a Family, shall forfeit and pay the Sum of Twenty Shillings for every such Offence; the said Sum to be recovered before any single Justice of the Peace, as aforesaid; one Half whereof to the Informer, and the other Half to the Sheriff of the County, for the same Uses as the Tax raised by virtue of this Act.

Continuance.

XIII. This Act to continue and be in Force for Three Years, and to the End of the next Session of Assembly that may happen after the End of the said Three Years.

CHAP.

CHAP. XII.

An ACT for the Relief of certain languiſhing Priſoners, in the ſeveral Goals therein mentioned.

Preamble, with the Names of the Priſoners relieved by this Act.

WHEREAS *James Daily* and *William Spry*, languiſhing Priſoners in *Queen-Anne's* County Goal; *Stephen Garland*, *Iſaac Roads*, and *John Garlington*, languiſhing Priſoners in *Somerſet* County Goal; *Levin Townſend*, a languiſhing Priſoner in *Worceſter* County Goal; *Nathaniel Wickham*, *John Turnbull*, *John Lanham*, and *John Campbell*, languiſhing Priſoners in *Frederick* County Goal; *Dorcas Warner*, *William Clowes*, *Thomas Tyler*, and *George Cox*, languiſhing Priſoners in *Dorcheſter* County Goal; *John Brown*, a languiſhing Priſoner in *St. Mary's* County Goal; *Samuel Tannehill*, *Baldwin Skidmore*, and *John Braſhears*, languiſhing Priſoners in *Prince-George's* County Goal; *Auguſtine Pecker*, *Stephen Johnſon*, *Nicholas Minſkie*, *John Knox*, *Samuel Tunbridge*, *Luke Gill*, *Jaſper Hall*, languiſhing Priſoners in *Anne-Arundel* County Goal; *John Hughs*, *Nathan Shaw*, *John Lemmons*, *John Grenif Howard*, *John Denning*, *John Jones*, *John Condron*, *Solomon Wheeland*, *Joſeph Barham*, and *Thomas Weſt*, languiſhing Priſoners in *Baltimore* County Goal; and *John Wood*, a languiſhing Priſoner in *Calvert* County Goal; by their Petitions to this preſent General Aſſembly, have ſet forth, That they have reſpectively continued Priſoners for Debt, in the Cuſtody of the Sheriffs of the reſpective Counties aforeſaid, for a conſiderable Time paſt, and ſtill continue in the like deplorable Circumſtances, not being able to redeem their Bodies with all the Eſtate or Intereſt they have in the World, which they would readily ſurrender up and part with to their ſeveral and reſpective Creditors if they would accept of the ſame, and grant the ſaid Petitioners their Liberty, which ſeems ſo unlikely for them to obtain, that (unleſs reliev'd by a particular Act to be paſs'd in their favour, which by their ſaid Petitions they have humbly prayed) they muſt inevitable continue Priſoners for Life, and as the Allegations of the ſaid Petitioners appear to this General Aſſembly to be true, and that their lying in Goal can be of no Advantage to their Creditors, it is humbly prayed that the ſaid Petitioners may be relieved according to their Prayers, and that it may be Enacted;

Priſoners to be diſcharged on delivering up their Effects, on Oath.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That in caſe the ſaid Priſoners ſhall deliver up and ſurrender, or cauſe to be delivered up and ſurrendered to the Sheriffs of the reſpective Counties aforeſaid, in the Preſence of two Juſtices of the Peace of the Counties aforeſaid, whom the ſaid Sheriffs are hereby required to ſummon, at the Requeſt of the ſaid Priſoners, at ſome convenient Time after the Receipt of this Act, not exceeding Five Days, all their Real and Perſonal Eſtate, either in Poſſeſſion, Reverſion, Remainder, or in Truſt, or in or unto which they have any Claim or Intereſt whatſoever, and likewiſe before the Day beforementioned, convey, aſſign, transfer, and make over unto the Sheriffs, reſpectively, for the Uſe of the ſaid Creditors, all ſuch their Eſtate, Intereſt, or Claim as aforeſaid, after ſuch Manner, as by the ſaid Sheriffs and by the major Part of ſuch Creditors, or of ſuch of them as ſhall think fit to direct therein, or their Council learned in the Law, ſhall reaſonably deviſe or require, at the Coſts and Charges of the Perſons who ſhall claim Benefit thereof, ſo that the ſaid Priſoners be not burthened with any Warrantees thereby, other than againſt themſelves, or thoſe claiming by, from, or under them, and that the ſaid Priſoners, at the Time of ſuch their Surrender, and transferring their Eſtate as aforeſaid, ſhall take their ſolemn Oaths (or Affirmation if Quakers) before the ſaid two Juſtices aforeſaid, to the Effect following, *viz.* "*I A. B. do Affirm, or ſolemnly Swear, That the Goods, Debts and Effects, which I have delivered, aſſigned, and*

The Oath.

" and made over to the Sheriff of ——— County, and in truſt for the Uſe of any " Creditors, is the whole Eſtate both Real and Perſonal of my own in Poſſeſſion, " or that I have any Title to in the World, and that I have not any Eſtate, Goods, " or Effects of any Kind whatſoever, left either in Poſſeſſion, Reverſion or Re- " mainder, (the neceſſary wearing Apparel of myſelf, Wife and Children, and " working Tools, excepted) and that I have not directly or indirectly ſold, leaſed, " or otherwiſe conveyed, diſpoſed of, or intruſted, all or any Part of my Eſtate, " thereby to defraud my Creditors, or to ſecure the ſame, to receive or expect any " Profit or Advantage thereof. So help me God:" It ſhall and may be lawful for the Sheriffs of the Counties aforeſaid, after the End of the ſaid five Days, and they are hereby required to diſcharge the ſaid Priſoners, and ſuffer them to go at large.

To be diſcharged from future Arreſts on Appearance, &c.

III. And be it further Enacted, That if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs ſued out on any Judgment or Decree obtained againſt any of them, for any Debt, Damages or Coſts contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court out of which ſuch Proceſs iſſued, ſhall and may diſcharge ſuch Priſoner, on Motion. And if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs, for the Recovery of any Debt, Damages, or Coſts contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court or Juſtice before whom ſuch Proceſs ſhall be returned, ſhall and may diſcharge the Party arreſted out of Cuſtody, on his or her common Appearance, being entered without any ſpecial Bail. Provided, That the Diſcharge of the ſaid Priſoners, or any of them, ſhall not acquit any other Perſon from ſuch Debt, Damage or Coſt, or any Part thereof; but that all ſuch Perſons ſhall be anſwerable for the ſame, in ſuch Manner as they were before the paſſing this Act.

Debts to ſtand good in Caſe, &c.

IV. Provided always, and be it Enacted, *by the Authority aforeſaid*, That notwithſtanding the Diſcharge of the ſaid Priſoners, or any of them, all and every Debt or Debts, due and owing from him, her or them, and all and every Judgment had, or Decree obtained, againſt him, her or them, ſhall ſtand and be good and effectual in Law, to all Intents and Purpoſes, againſt the Lands, Tenements and Hereditaments, Goods and Chattels, of him, her, or them, and which he, ſhe or they, or any other Perſon in Truſt for the Uſe of him, her or them, had at the Time of the Diſcharge of the ſaid Priſoners, or any of them, or which he, ſhe or they, at any Time hereafter, ſhall or may be any Way ſeized or poſſeſſed of, or intereſted in, to his, her or their own Uſe, or in his, her or their own proper Right, either in Law or Equity, (except the wearing Apparel, Bedding, and working Tools, of him, her or them, not exceeding the Sum of Ten Pounds Current Money), and it ſhall and may be lawful for any of their Creditors, their Executors, Adminiſtrators or Aſſigns, to take out new Execution, or Executions, without any *Scire facias* previous thereto, againſt the Lands Tenements or other Hereditaments, Goods, and Chattels of the ſaid Priſoners, or any of them (except as before excepted) for the Satisfaction of his, her, or their Debts, in ſuch Sort, Manner, and Form, as he, ſhe or they might have done if the ſaid Priſoners, or any of them, had not been taken in Execution, or diſcharged, by virtue of this Act.

Actions of Eſcape.

V. And be it further Enacted, *by the Authority aforeſaid*, That if any Action of Eſcape be brought againſt any Sheriff, or any Suit or Action, againſt any Juſtice or Juſtices, for their performing their Duty in purſuance of this Act, he or they may plead the general Iſſue, and give this Act, and the ſpecial Matter in Evidence; and if the Plaintiff be nonſuit, or diſcontinue his Action, or Verdict paſs againſt ſuch Plaintiff, or Judgment upon Demurrer, the Defendant ſhall have and recover double Coſts.

VI. Pro-

VI. **Provided alſo,** That nothing in this Act ſhall extend, or be conſtrued to extend, to bar any Creditor or Creditors of the before mentioned Priſoners, from having and maintaining any Action of Eſcape againſt any Sheriff, who hath permitted any Eſcape before the making this Act. Proviſo, as to Eſcape.

VII. **Provided nevertheleſs,** That in caſe any of the ſaid Priſoners, ſhall, at any Time after making ſuch Oath or Affirmation as aforeſaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenor of ſuch Oath, or Affirmation, as aforeſaid, that then the ſaid Priſoner, ſhall upon ſuch Conviction as aforeſaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and ſhall, from thenceforth, be liable to be proſecuted for any Debt or Demands whatſoever, in the ſame Manner as if this Act had never been made; any thing to the contrary notwithſtanding. In caſe of Perjury.

VIII. **Provided alſo,** That the reſpective Sheriffs of the Counties aforeſaid, ſhall be firſt paid and ſatisfied their Impriſonment Fees, before any Creditor or Creditors ſhall have or receive any Share or Part of the Eſtates of the ſaid Priſoners, reſpectively, or of the Produce thereof. Sheriffs Fees to be firſt paid.

IX. **And be it further Enacted,** That after Public Notice given, by Advertiſements ſet up at the Court-Houſe Door of the County, Thirty Days at the leaſt, of the Sale of any of the ſaid Priſoners Lands, and Five Days at the leaſt, of the Sale of any of the ſaid Priſoners other Eſtate, the ſaid Sheriffs to whom any of the ſaid Eſtates, Real or Perſonal, ſhall be ſurrendered and delivered up in purſuance of this Act, ſhall ſet up and expoſe ſuch Eſtates to ſale by way of Public Vendue, in the Preſence of one Juſtice of the Peace, and the Produce ariſing by ſuch Sale, ſhall be, by the ſaid Sheriffs, in Manner following paid and ſatisfied, (that is to ſay,) after Satisfaction of the aforeſaid Impriſonment Fees, that the Eſtate and Intereſt of the aforeſaid Priſoners reſpectively, upon which their Judgment Creditors, or any claiming, or that ſhall claim under them, by Aſſignment or otherwiſe, have or ſhall have any Lien or the Produce thereof, ſhall be in the firſt Place, after Satisfaction of the Sheriffs as aforeſaid, applied to the Diſcharge of the ſaid Creditors, according to the Order and Priority of their Judgments, and the Lien ariſing therefrom; and that the Reſidue of the Eſtate and Intereſt of the ſaid Priſoners reſpectively, or the Produce thereof, ſhall be diſtributed among all their Creditors, that ſhall apply therefor, within Thirty Days after the aforeſaid Sale, in equal Proportion to their Demands. Notice to be given of the Sale of the Priſoner's Eſtates, *&c.*

X. **And be it further Enacted,** That all the Accounts, Bonds, Notes and other Demands, which any of the ſaid Priſoners have againſt any Perſon or Perſons whatſoever, ſhall be by the ſaid Priſoner or Priſoners aſſigned to the Sheriff, in whoſe Cuſtody ſuch Priſoner or Priſoners ſhall be, at the Time of their Diſcharge, and that ſuch Sheriff or Sheriffs, ſhall and may maintain an Action or Actions on ſuch Demands, as Aſſignee of ſuch Priſoner or Priſoners, in his own Name. *Provided always,* That ſuch Creditor or Creditors, require and demand ſuch Sheriff to ſue, and give to ſuch Sheriff a Bond to indemnify him againſt any Charge that may accrue to him by means of any ſuch Suit; and in caſe of Recovery, that then the Sheriff make Diſtribution of what ſhall be recovered, to the Perſon or Perſons giving him ſuch Security as aforeſaid. Bonds, *&c.* belonging to the Priſoners to be aſſigned to the Sheriff.

XI. **And be it Enacted,** *by the Authority aforeſaid,* That if any of the Perſons intended to be relieved by this Act, are and ſhall be of ſufficient Ability of Body to Labour, ſuch Perſon or Perſons, not having a Wife or Family, ſhall be, and are hereby obliged to ſerve for a Time, not exceeding

CHAP. XII.

Prisoners, if Single, to be sold for Five Years.

Five Years, to any Person or Persons, who are, or shall be inclined to purchase the Time or Servitude of such Debtor or Debtors; and that the respective Sheriffs, in whose Custody the aforesaid Debtors or any of them are, be and are hereby authorized and obliged, to summon Two Justices of the Peace in the respective Counties, at the Request of the said Persons, as soon as conveniently may be after the Receipt of this Act; and after giving Five Days Notice at the Court-Houses of the respective Counties, of the intended Sale of such Debtor or Debtors, expose to Sale, in the Presence of the said Justices, such Debtor or Debtors, and the Time of them or their Servitude, to the highest Bidder; and the Money arising from such Sale, shall be as Effects of such Debtor or Debtors, in the Hands of the respective Sheriffs, subject as aforesaid, to a Distribution in Manner aforesaid; and the Sale and Service of such Debtor or Debtors as aforesaid, is hereby directed to be taken as a full and sufficient Acquittal and Discharge against all Debts due from such Debtor or Debtors, before such Sale: Provided, that in case it shall appear to the Satisfaction of the said Justices, that any of the said Debtors have offered, since their Confinement, to make Satisfaction to their Creditors by Servitude, and that their Creditors have refused to accept the same, that the Time such Debtors have been confined in Prison, shall be deemed and taken as Part of the aforesaid Five Years, and that they shall be obliged to serve only for such Time as will compleat Five Years from the Day of their Commitment to Prison: And that in case any such single Persons as aforesaid, have been confined in Prison for Five Years, or any longer Time, that the said Persons so confined, shall be discharged upon the same Terms, and in the same Manner, that Persons having Families, are by this Act directed to be discharged.

CHAP. XIII.

A Supplementary ACT to the Act, entitled, *An Act for Limitation of certain Actions for avoiding Suits at Law.*

Preamble, reciting Part of 1715, *ch.* 23.

WHEREAS the Act, entitled, *An Act for Limitation of certain Actions for avoiding Suits at Law*, hath provided, that in case any Person or Persons whatsoever, shall absent themselves out of this Province, after any Debt contracted, he, she or they, so absenting themselves, shall have no Benefit by the Limitation or Restriction in the said Act, specified, but hath made no Provision in the case wherein the Person or Persons liable to the same, hath or have been, is, are, or may be absent out of the Province, at the Time when any Cause of Action may have arisen or accrued, or shall or may arise or accrue against him, her or them, tho' the said Case falling under the same Reason, ought to have the same Remedy:

Persons absent, &c. to receive no Advantage, &c.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That if any Person or Persons liable, or that hath or have been, or shall or may be liable to any Action, or that hath or have been, or shall or may be absent out of this Province, at the Time when the Cause of Action hath arisen or accrued, or shall or may arise or accrue against him, her or them, he, she or they, shall have or receive no Benefit or Advantage of or from the said recited Act.

Proviso.

III. **Provided,** That the Person or Persons that hath, have, or hath or have had, or that shall or may have such Cause of Action as aforesaid, shall Commence or Prosecute the same after the Presence in this Province, of the Person or Persons liable thereto, within the Time or Times limited in and by the said recited Act.

CHAP. XIV.

An ACT to vest the Title of and in certain Lands in *John Hammond*, Esq; and for other Purposes therein mentioned. [*A Private Act.*]

CHAP.

CHAP. XV.

An ACT to eſtabliſh a Road from *Hunting-Creek*, in *Dorcheſter*, to *Dover*, in *Talbot* County.

Preamble.

WHEREAS *Henry Troth* of *Talbot* County, by his humble Petition to this General Aſſembly, among other Things, hath ſet forth, That it would not only be to the Eaſe of the Inhabitants of the Counties of *Dorcheſter* and *Talbot*, that a Public Road ſhould be eſtabliſhed from *Hunting-Creek*, in *Dorcheſter* County, to *Dover*, in *Talbot* County, and a Ferry kept acroſs the River of *Choptank*, at *Dover*, but to the great convenience of the Public, by ſhortning the Diſtance to all Perſons travelling up or down the Eaſtern Shore of this Province; which ſaid Petition is recommended by a great Number of the principal Inhabitants of the Counties aforeſaid, and appears to this General Aſſembly to be true in it's Material Facts; it is therefore prayed that it may be Enacted;

A Road to be made 12 Feet wide from *Choptank* to *Dover*.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That on the Application of the ſaid *Henry Troth*, or any other Perſon, to the Juſtices of *Dorcheſter* County, after a good and ſufficient Road and Cauſeway, twelve Feet wide at leaſt at the Top, ſhall be made and perfected through the Marſh of *Choptank* River, in *Dorcheſter* County, oppoſite to the Main Road at *Dover* aforeſaid, it ſhall and may be lawful for the ſaid Juſtices, and they are hereby required, to cauſe a Road to be laid out and ſufficiently cleared and made, from the Road that leads from *Hunting-Creek* aforeſaid, to *Kingstown*, in *Talbot* County, to the End of the ſaid Cauſeway, where it ſhall join the faſt Land, and from thence with the ſaid Cauſeway, to the River aforeſaid, and after the ſame ſhall be well and ſufficiently cleared and made, the ſaid Juſtices ſhall appoint an Overſeer, with a ſufficient Number of the Neighbouring Inhabitants under his Directions, to keep the ſaid Road and Cauſeway in good Repair, as other Roads ought to be kept, without any further Tax upon the County; under the like Penalties for Neglect or Omiſſion, as other Overſeers and People under them, are by the Laws in Force relating to Public Roads, liable to.

To be made convenient for the Public.

III. **Provided always, and be it Enacted**, That the ſaid Road ſhall be laid out in ſuch Manner and Form, as ſhall be moſt to the Public convenience, and leaſt to the prejudice of the Poſſeſſor or Poſſeſſors of the Lands, on which the ſame ſhall be made.

2,500 lb of Tobacco to be levied to pay the Expence.

IV. **And be it further Enacted**, That it ſhall and may be lawful for the Juſtices aforeſaid, and they are hereby required at their next *November* Court, after ſuch Application, to aſſeſs and levy on the Taxable Inhabitants of the ſaid County of *Dorcheſter*, a ſufficient Sum to defray the Expences of clearing and making the Road aforeſaid; to be paid and collected in the ſame Manner that the County Levies are paid and collected; Provided ſuch Sum does not exceed the Quantity of Two Thouſand Five Hundred Pounds of Tobacco.

CHAP. XVI.

An ACT continuing an Act, entitled, *An Act for the Relief of ſuch Perſons as cannot find Surety for their Appearance, to teſtify as a Witneſs againſt any Perſon arreſted, accuſed, or proſecuted, for any Criminal Matter.*

The Act of 1752, *ch.* 13, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of

CHAP. XVI.

of Assembly of this Province, entitled, *An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal Matter*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the third Day of *June*, *Anno Domini* One Thousand Seven Hundred and Fifty-two, be, and is hereby continued, and shall be and remain in full Force, for and during the Term of Seven Years, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

CHAP. XVII.

An ACT continuing an Act, entitled, *An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices.*

The Act of 1748, *ch.* 7, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the tenth Day of *May*, One Thousand Seven Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

CHAP. XVIII.

An ACT continuing an Act, entitled, *An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders*; and a Supplementary Act to an Act, entitled, *An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves.*

The Act of 1751, *ch.* 14, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders*; and a Supplementary Act to an Act, entitled, *An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Fifteenth Day of *May*, One Thousand Seven Hundred and Fifty-one, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

CHAP. XIX.

An ACT continuing an Act, entitled, *A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several Sorts of Liquors Imported*; *and also on* Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province.*

The Act of 1735, *ch.* 6, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of

of Assembly of this Province, entitled, *A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several Sorts of Liquors Imported; and also on* Irish *Servants, to prevent the Importing too great a Number of* Irish *Papists into this Province*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twentieth Day of *March*, *Anno Domini* One Thousand Seven Hundred and Thirty-four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years. CHAP. XIX.

CHAP. XX.

An ACT continuing an Act, entitled, *An Act to make the Testimony of Convicted Persons, legal against Convicted Persons.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Act to make the Testimony of Convicted Persons, legal against Convicted Persons*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Fifteenth Day of *May*, One Thousand Seven Hundred and Fifty-one, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years. The Act of 1751, *ch.* 11, continued 7 Years, *&c.*

CHAP. XXI.

An ACT continuing an Act, entitled, *An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty-sixth Day of *April*, Seventeen Hundred and Thirty-seven, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years. The Act of 1737, *ch.* 2, continued 7 Years, *&c.*

CHAP. XXII.

An ACT continuing an Act, entitled, *An Additional and Explanatory Act to the Act, entitled, An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Additional and Explanatory Act to the Act, entitled, An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Tenth Day of *May*, One Thousand Seven Hundred and Forty-eight, be, The Act of 1748, *ch.* 20, continued 7 Years, *&c.*

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and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Seven Years.

CHAP. XXIII.

An ACT continuing an Act, entitled, *An Act relating to Guardians and Orphans.*

The Act of 1758, *ch.* 4, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That an Act of Aſſembly of this Province, entitled, *An Act relating to Guardians and Orphans*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Twenty-eighth Day of *March*, One Thouſand Seven Hundred and Fifty-eight, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Seven Years.

CHAP. XXIV.

An ACT continuing an Act, entitled, *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running Horſe Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourſe of Negroes and other Slaves during the ſaid Meetings*; and alſo one other Act, entitled, *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running Horſe Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourſe of Negroes and other Slaves during the ſaid Meetings.*

The Acts of 1747, *ch.* 17, and 1752, *ch.* 14, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That one Act of Aſſembly of this Province, entitled, *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horſe Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourſe of Negroes and other Slaves during the ſaid Meetings*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Sixteenth Day of *May*, One Thouſand Seven Hundred and Forty-ſeven; and alſo one other Act of Aſſembly of this Province, entitled, *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running of Horſe Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourſe of Negroes and other Slaves during the ſaid Meetings*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Third Day of *June*, One Thouſand Seven Hundred and Fifty-two, be, and are hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Seven Years.

CHAP.

CHAP. XXV.

An ACT continuing an Act, entitled, *An Act to exempt Persons appearing at Musters, from Arrests in Civil Cases.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That an Act of Assembly of this Province, entitled, *An Act to exempt Persons appearing at Musters, from Arrests in Civil Cases,* made at a Session of Assembly, begun and held at the City of *Annapolis*, the Tenth Day of *May*, *Anno Domini* Seventeen Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

The Act of 1748, ch. 1, continued 7 Years, &c.

CHAP. XXVI.

An ACT continuing an Act, entitled, *An Act for Punishment of Horse Stealers, and other Offenders.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That an Act of Assembly of this Province, entitled, *An Act for Punishment of Horse Stealers, and other Offenders,* made at a Session of Assembly, begun and held at the City of *Annapolis*, the First Day of *May*, *Anno Domini* One Thousand Seven Hundred and Forty-four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and to the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

The Act of 1744, ch. 20. continued 7 Years, &c.

CHAP. XXVII.

An ACT continuing an Act, entitled, *An Act for destroying Wolves in* Frederick *County.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That an Act of Assembly of this Province, entitled, *An Act for destroying Wolves in* Frederick *County*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Fifteenth Day of *May*, Seventeen Hundred and Fifty-one, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years next ensuing, and unto the End of the next Session of Assembly, which shall happen after the End of the said Seven Years.

The Act of 1751, ch. 3. continued 7 Years, &c.

CHAP. XXVIII.

An ACT continuing an Act, entitled, *An Act for Repairing the Public Roads in this Province,* and the Supplementary Act thereto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That an Act of Assembly of this Province, entitled, *An Act for Repairing the Public Roads in this Province,* made at a Session of Assembly, begun and held at the City of *Annapolis*, the Second Day of *October*, Seventeen Hundred and Fifty-three; also the Supplementary Act thereto, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty-third Day of *February*, One Thousand

The Acts of 1753, ch. 16, and 1756, ch. 12, continued 3 Years, &c.

CHAP. XXVIII.

ſand Seven Hundred and Fifty-ſix, be, and are hereby continued, and ſhall remain and be in full Force, for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

CHAP. XXIX.

An ACT continuing an Act, entitled, *An Additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves.*

The Act of 1748, *ch.* 19, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That an Act of Aſſembly of this Province, entitled, *An Additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves,* made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Tenth Day of *May*, One Thouſand Seven Hundred and Forty-eight, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years next enſuing, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Seven Years.

CHAP. XXX.

A Supplementary ACT to the Act, entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.*

Preamble.

IT being repreſented by the Petition of ſundry Inhabitants of *Talbot* County, to this General Aſſembly, that it appears difficult to get two Inſpectors to ſerve this preſent Year at *Bruff*'s Warehouſe on *St. Michael*'s River, in the County aforeſaid, and it being prayed, that an Act may paſs to enable the Preſent Inſpector, to do all the Duties required by Law, and that ſuch Addition be made to his Salary, as to this preſent General Aſſembly ſhall ſeem meet;

Duty of the Inſpector at *Bruff*'s.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the preſent Inſpector at the ſaid Warehouſe, ſhall be under the ſame Duties, Obligations, Reſtrictions and Penalties, and enjoy the ſame Privileges that other Inſpectors do, and are under, by the above recited Act. And that all Tobacco carried to the ſame Warehouſe, and the Notes for the ſame, ſhall be good and negotiable, and upon the ſame Terms, and under the ſame Securities, that all Tobacco and Notes are mentioned to be, by the ſaid recited Act; and that the ſame Warehouſe, and the Owner or Owners of the ſame, ſhall be under the like Incumbrances, and receive the like Benefits and Advantages, that other ſuch Warehouſes and Owners are under and do receive, by the ſaid recited Act.

His Salary.

III. Be it further Enacted, That there ſhall be allowed the ſaid Inſpector, in the ſame Manner that the Salaries are allowed to other Inſpectors by the ſaid recited Act, the Quantity of Seven Thouſand Pounds of Tobacco as his Salary, and no more. And in caſe of the Death, Refuſal, or Removal of the ſaid Inſpector, the Governor or Commander in Chief for the Time being, ſhall and may nominate and appoint any other Perſon, mentioned in the laſt Recommendation of the Veſtry and Church-wardens, and in like Manner, as often as any ſuch Vacancy ſhall happen.

IV. And

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IV. **And be it Enacted**, That in case of the Sickness or other Inability of the said Inspector to attend his Duty, it shall and may be lawful for him, and he is hereby required, to nominate and appoint one other Person, being a Planter, and well skilled in Tobacco, to act in his Room, during the Time the said Inspector shall be unable to attend; the said Person so appointed, first taking the Oath of Office, and other Oaths, or Affirmation if a Quaker, as are directed by the above recited Act to be taken by Inspectors, and subscribing the Oath of Abjuration, and repeating and subscribing the Test. And the said Inspector and his Sureties, shall be answerable for the Tobacco inspected and pass'd by the Person so by him appointed, in the same Manner as if he had Personally Officiated.

In case an Inspector should be Sick.

V. **And whereas** it has been likewise represented to this General Assembly, that the Salaries allowed by the above recited Act to the Inspectors at *Pomunkey* and *Chickamuxon* Warehouses, in *Charles* County, are too small and inadequate to their Care and Trouble in their Office of Inspectors; **Be it Enacted**, *by the Authority, Advice, and Consent aforesaid*, That for this present Year, and every future Year during the Continuance of the said recited Act, there shall be allowed and paid to each of the Inspectors at the Warehouses aforesaid, the Sum of Eight Hundred Pounds of Tobacco, over and above the Salaries allowed to them by the Act aforesaid, which said Sum of Eight Hundred Pounds of Tobacco to each of the Inspectors at *Pomunkey* and *Chickamuxon* Warehouses aforesaid, shall be allowed and paid in the same Manner, as Inspectors Salaries are allowed and paid by the said Act.

Some Salaries augmented.

VI. **And whereas** it is represented to this present General Assembly, that the Warehouse at *John Holland*'s at *Bohemia* Ferry, in *Cæcil* County, is much out of Repair, and that so small a Quantity of Tobacco is there inspected, that the said House has burthened the County with a large annual Expence; **Be it therefore Enacted**, *by and with the Authority, Advice, and Consent aforesaid*, That the said Warehouse at *John Holland*'s at *Bohemia* Ferry, in *Cæcil* County aforesaid, shall be, and is hereby suppressed to all Intents and Purposes; and that the Inspector appointed to attend the said Warehouse, is hereby discharged from his Attendance thereon, to every Purpose, but to deliver out such Tobacco as may be now in the said Warehouse.

Bohemia Inspection suppress'd.

VII. **And** it is further represented to this General Assembly, that the Salaries allowed by the above recited Act, to the Inspectors at *Snow-Hill* and *New-Port* Warehouses, in *Worcester* County, are too large for the Quantity of Tobacco that comes to the said Warehouses; **Be it Enacted**, *by the Authority, Advice, and Consent aforesaid*, That there shall be allowed and paid to the Inspector at *Snow-Hill* Warehouse, the Sum of Five Thousand Six Hundred Pounds of Tobacco, and to the Inspector at *New-Port* Warehouse, the Sum of Three Thousand Two Hundred Pounds of Tobacco, in full for their and each of their respective Salaries, as Inspectors at said Warehouses the ensuing Year, which Sums of Tobacco shall be allowed and paid as other Inspectors Salaries are, in the aforesaid Act; any Thing therein contained to the contrary notwithstanding.

Some Salaries lessen'd.

VIII. **And be it further Enacted**, That in case the Inspector already nominated and recommended by the Vestries, shall refuse to serve as Inspector at either of the above mentioned Warehouses, it shall and may be lawful for the Person or Persons so refusing, to signify the same under his Hand to the Vestry of the said Parish where the Refusal shall be, or any two of the Vestry-men, within Ten Days after the End of this Session of Assembly, who shall within Ten Days after such Notice given them, proceed to chuse other Inspectors to serve at both or either of the said Warehouses, as the Case may be, in Manner and Form as is directed by the aforesaid recited Act, in the Place and Stead of such Person or Persons so refusing as aforesaid.

If Inspectors refuse to serve, others to be chosen.

CHAP. XXXI.

An ACT to enable the Viſitors of *Kent* County School, for the Time being, to leaſe out Part of the Land belonging to the ſaid School.

Preamble.

WHEREAS the Viſitors of the ſaid School, by their Petition to this preſent Aſſembly, have ſet forth, That by an Act of Aſſembly paſſed in the Year Seventeen Hundred and Forty-one, the Viſitors of the ſaid School for the Time being, were impowered to leaſe out one Moiety of the Land belonging to the ſaid School, except Ten Acres, on ſuch Terms as in the ſaid Act was expreſſed, and that the other Moiety of the ſaid Land, is now become a Common, and uſeleſs to the ſaid School; and pray that they may be impowered to leaſe out the other Moiety of the ſaid School Land, or ſuch Part thereof, as to them ſhould be thought convenient (with proper Out-lets) and ſo from Time to Time, as any of the Leaſes of the ſaid School Land ſhall happen to expire, to leaſe them out a-new.

Viſitors of *Kent* County School, impowered to Leaſe out SchoolLands.

II. **Be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Viſitors of *Kent* County School for the Time being, or the major Part of them, be, and are hereby authorized and impowered, to divide and lay out any, or ſuch Part of the Land belonging to the ſaid School, as to them ſhall be thought convenient, into Lots, not exceeding the Quantity of Three Acres in any one Lot, and the ſame ſo divided, to number and diſtinguiſh by the Numbers next following thoſe already laid out, under the above recited Act (with proper Out-lets) and to demiſe and leaſe out the ſame to the higheſt Bidder or Bidders, Ten Days Public Notice being firſt given, for any Term of Years not exceeding Twenty-one Years, under ſuch Payments of Rents, and on ſuch Terms, as the ſame Viſitors or the major Part of them ſhall think proper and reaſonable.

Such Leaſes may be renew'd, *&c.*

III. **And be it further Enacted,** That the Viſitors of the ſaid School for the Time being, or the major Part of them, ſhall be, and are hereby impowered, if they ſhall think it for the future Advantage of the ſaid School, from Time to Time as the Leaſes of any of the Lands of the ſaid School ſhall Expire, to leaſe out the ſaid School Lands again, on the Terms aforeſaid, or renew the ſaid Leaſes ſo expiring, as to them ſhall ſeem beſt for the Advantage of the ſaid School. And that all ſuch Leaſes as the ſaid Viſitors for the Time being, or the major Part of them ſhall make, of the Land aforeſaid, according to the Directions of this Act, ſhall be good and valid to the Perſon or Perſons taking the ſame, for the Terms therein mentioned, and ſhall be binding as well on the Maſter of the ſaid School, at the Time of making ſuch Leaſe or Leaſes, as on any ſucceeding Maſter or Maſters who ſhall be admitted to or put in Poſſeſſion of the ſame School, at any Time after making the ſame Leaſe or Leaſes; any Law, Statute, other Act of Aſſembly, Uſage or Cuſtom, to the contrary notwithſtanding.

Profits how to be applied.

IV. **And be it further Enacted,** *by the Authority aforeſaid,* That the Monies ariſing on the Leaſes aforeſaid, for the Rents of the Lands aforeſaid, ſhall be applied by the Viſitors of the ſame School, or the major Part of them, as to them ſhall ſeem meet, for the Benefit of the ſaid School.

CHAP.

CHAP. XXXII.

A Supplementary ACT to the Act, entitled, *An Act for building a Church in* St. James's *Pariſh, in* Anne-Arundel *County*.

Preamble.

WHEREAS the Rector, Veſtry-men, Church-wardens, and Inhabitants of *St. James's* Pariſh, in *Anne-Arundel* County, have, by their Petition to this General Aſſembly, repreſented, that the Quantity of Tobacco levied by virtue of the Act of Aſſembly, entitled, *An Act for building a Church in* St. James's *Pariſh, in* Anne-Arundel *County*, hath been applied towards, but is not ſufficient to pay the Expences of, building and finiſhing the new Church, directed by the ſaid Act to be built, that there is now the Sum of One Hundred and Thirty-ſeven Pounds, Seventeen Shillings, and Ten Pence, the Produce of Tobacco levied on, collected from, and paid by, the Taxable Inhabitants of the ſaid Pariſh, before the paſſing the ſaid Act, for repairing the old Church of the ſaid Pariſh, which was not appropriated by the ſaid Act towards building the ſaid new Church; and that over and above the ſaid One Hundred and Thirty-ſeven Pounds, Seventeen Shillings, and Ten Pence, the Quantity of Eighty Thouſand Pounds of Tobacco will be neceſſary, for the compleatly finiſhing the ſaid new Church, and incloſing the Church Yard thereto; they have therefore prayed that an Act may paſs, to appropriate the ſaid Sum of Money, and alſo to impower the Juſtices of the ſaid County Court, to levy on the Taxable Inhabitants of the ſaid Pariſh, the Quantity of Eighty Thouſand Pounds of Tobacco, for the compleatly finiſhing the ſaid new Church, and incloſing the Church Yard thereto:

80,000 lb of Tobacco to be levied for compleating *St. James's* Church.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of *Anne-Arundel* County Court, ſhall, and they are hereby impowered and required, at the Time of their laying the County Levy of the ſaid County, in *November* Court 1765, to aſſeſs on the Taxable Inhabitants of the ſaid Pariſh, the Quantity of Eighty Thouſand Pounds of Tobacco, together with a Salary to the Sheriff of the ſaid County, for Collecting the ſame, of Five *per Centum*, and the ſaid Sheriff is hereby impowered and directed to levy and collect the ſame, in the ſame Manner as Public and County Levies are levied and collected; and ſhall alſo account for, and pay the ſame to, the Rector, Veſtry-men, and Church-wardens of the ſaid Pariſh, for the Time being, or the major Part of them, which ſaid Tobacco, when ſo collected, accounted for, and paid, and alſo the ſaid Sum of One Hundred and Thirty-ſeven Pounds, Seventeen Shillings, and Ten Pence, ſhall be, by the ſaid Rector, Veſtry-men, and Church-wardens, or the major Part of them, applied to the compleatly finiſhing the ſaid new Church, and incloſing the ſaid Church Yard thereto; and if any Balance thereof ſhould remain, ſuch Balance ſhall be by the ſaid Rector, Veſtry-men, and Church-wardens, or the major Part of them, applied in, and towards, the neceſſary Repairs of the ſaid Pariſh Buildings.

May be paid as Public Dues.

III. **Provided always, and be it Enacted**, That every Taxable Inhabitant of the ſaid Pariſh, may pay and diſcharge the ſaid Aſſeſſment in Money, at the Rate and in the Manner that Public and County Levies are payable; any Thing herein contained to the contrary notwithſtanding.

CHAP.

CHAP. XXXIII.

An ACT for erecting a new Pariſh in *Kent* County, called *Cheſter* Pariſh, and for Building a Pariſh Church, and enlarging a Chapel of Eaſe within the ſaid new Pariſh.

Preamble.

WHEREAS many Inhabitants, both of *St. Paul*'s and *Shrewſbury* Pariſhes, in *Kent* County, have by their Petitions repreſented to this General Aſſembly, That a great Number of People in the ſaid Pariſhes, and about the middle of the County, live too remote from either of the Pariſh Churches of the ſaid Pariſhes, to attend Divine Worſhip, and have prayed that an Act may paſs, to erect a new Pariſh in the middle of the ſaid County, to take in Part of both the ſaid Pariſhes; and have alſo repreſented, that there are two Places proper in the ſaid new intended Pariſh, for erecting a Pariſh Church and Chapel of Eaſe in the ſaid Pariſh, for the Convenience of the Inhabitants; the one to be at or near the Croſs Roads, called and known by the Name of I. U. the other in *Cheſter-Town*.

A new Pariſh to be erected in *Kent* County.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That from and after the End of this preſent Seſſion of Aſſembly, all thoſe Parts of *St. Paul*'s Pariſh, and *Shrewſbury* Pariſh, in *Kent* County aforeſaid, that are contained within the Bounds herein after mentioned and expreſſed, *That is to ſay*, Beginning in *St. Paul*'s Pariſh, at the Mouth of a Pond by the Bay Side, between *Marmaduke Tilden*'s and *William Friſby*'s, and running up the Pond Side to the Head thereof, where it interſects the Line between ſaid *Marmaduke Tilden*'s Land, and *George Copper*'s Land, thence with that Line to the Road leading from ſaid *Tilden*'s, to *Cooter Griffin*'s, thence with that Road, to interſect the main Road leading from the Head of *Worton*, by *Cheſter-Town*, and with that main Road to a Valley in *James M'Clean*'s Plantation, leading into the Head of the Branch called *Fanning*'s Branch, thence down that Valley and Branch, to a ſmall Branch iſſuing out of the ſaid *Fanning*'s Branch, called *Bloody-Bridge* Branch, thence up the ſaid *Bloody-Bridge* Branch to the Head thereof, and then with a ſtreight Line to the Head of *Muddy* Creek, and down the ſaid Creek to *Cheſter* River; and in *Shrewſbury* Pariſh, beginning at the Mouth of *Turner*'s Creek, on *Saſſafraſs* River, and running up the ſaid Creek to *James Loutitt*'s Point, and thence with the Road leading by *John Shawhan*'s into the main County Road, to *Cheſter-Town*, thence with the ſaid main County Road, to *Thomas Perkins*'s, and thence by the croſs Road to *Iſaac Perkins*'s Mill, and then by a due South Eaſt Line from the ſaid Mill, to *Cheſter* River, ſhall be taken from *St. Paul*'s Pariſh, and *Shrewſbury* Pariſh aforeſaid, and erected into a new Pariſh by the Name of *Cheſter* Pariſh, and ſhall from and after the Time aforeſaid, be deemed, reputed, adjudged, and taken for *Cheſter* Pariſh, and not as Part or Parcel of *St. Paul*'s and *Shrewſbury* Pariſhes aforeſaid; and that the Lines and Boundaries aforementioned, ſhall always be deemed, taken, and reputed to be the undoubted Lines and Bounds, to divide the Pariſhes aforeſaid, and that the Inhabitants of *Cheſter* Pariſh aforeſaid, ſhall have and enjoy all ſuch Benefits, Privileges, Powers, and Authorities, in every Reſpect, as the Inhabitants of any other Pariſh within this Province now have, or hereafter may have, or enjoy, as Pariſhioners.

To be called *Cheſter* Pariſh.

III. **And be it Enacted**, *by the Authority aforeſaid*, That the Freeholders of the ſaid new erected Pariſh, ſhall have full and ample Power, to meet at the aforeſaid Croſs Roads called I. U. on the Firſt Tueſday in *January* next enſuing, and then and there to Elect and make Choice of Six Veſtry-men and Two Church-wardens, to ſerve as a Veſtry of the ſaid Pariſh, for the enſuing Year, and until the Eaſter Monday then next following, and the ſame afterwards to alter

Veſtry-men, &c. to be choſe.

alter and renew at such Times and in such Manner, as the Laws of this Province do direct for other Parishes, and that the said Vestry-men and Church-wardens, shall be vested with the same Powers, Privileges, and Authorities, as Vestry-men and Church-wardens of other Parishes within this Province are vested with. CHAP. XXXIII.

IV. **And whereas**, the Reverend *George William Forrester* the present Incumbent of *Shrewsbury* Parish aforesaid, has by Indorsement on the said Petition, consented, for the Advantage of his Parishioners, and that they may have a Place of Worship more convenient for them, that a Portion of his Parish on the Western or Lower Side of *Morgan*'s Creek and *Lloyd*'s Creek, and of a Line drawn from the Head of one of these Creeks to the Head of the other, should be immediately detached from his Parish, for the Benefit of the Incumbent of the new intended Parish; nevertheless this Act is not intended to take from the said *George William Forrester* during his Life or Residence in his said Parish, any more of his said Parish than he has freely and voluntarily consented to as aforesaid; **Be it therefore Enacted**, *by the Authority aforesaid*, That it shall and may be lawful for the said *George William Forrester*, to continue to officiate and serve as Incumbent in such Part of the said new erected Parish within the ancient Bounds of *Shrewsbury* Parish, as lies without the Bounds of that Part, that he as aforesaid consented should be immediately detached therefrom, and to receive the Income and Profits thereof, during his natural Life, or so long as he shall continue Incumbent of *Shrewsbury* Parish aforesaid, or until he shall voluntarily quit the same; any Law, Statute, Custom or Usage, to the contrary notwithstanding.

The present Incumbent to continue to officiate in the new Parish.

V. **And whereas**, the Inhabitants of the said new intended Parish, have heretofore been Taxed for building the Churches of the said old Parishes, it is thought reasonable that all the Inhabitants of both the old and new Parishes, should contribute to the building the Church and enlarging the Chapel of the said new Parish; **Be it therefore Enacted**, *by the Authority aforesaid*, That it shall and may be lawful for the Justices of *Kent* County Court, to assess and levy on all the Taxable Inhabitants of the said County, at *November* Court, Seventeen Hundred and Sixty-six, a Sum of Tobacco, as with the Balance then remaining in the Hands of the Vestry of *St. Paul*'s Parish unappropriated, which hath arisen on the late Vacancy of an Incumbent in that Parish, will make One Hundred Thousand Pounds of Tobacco, clear of Five per Cent Commission for the Sheriff's Collection, and at the next *November* Court following, the further Sum of Eighty Thousand Pounds of Tobacco, clear of Commission as aforesaid, to and for the Use and Purpose of building a Parish Church, and enlarging the Chapel aforesaid: And it shall and may be lawful for the said Vestry of *Chester* Parish, so as aforesaid to be chosen, and they are hereby directed and required, to purchase two Acres of Land at or near the Cross Roads at the Place called I. U. as aforesaid, in the Parish aforesaid, for the Use of the Parish Church of the Parish aforesaid, and to take a proper Conveyance in Fee-simple thereof, to and for the Use aforesaid, and then to contract and agree with a proper Person or Persons, for the erecting and building, finishing and compleating, in every Respect (except the Pews or Seats) a good commodious Brick Church, of such Dimensions as they shall think sufficient for the Parishioners, and not to cost more, including the Purchase of the two Acres of Land aforesaid, than the Sum of One Hundred and Thirty Thousand Pounds of Tobacco: And that the said Vestry shall also employ and contract with a proper Person or Persons, to erect and finish good and proper Pews in the said Church, on the Credit of the Sale of the said Pews, which, when finished, the said Vestry are hereby authorized and required to sell and dispose of, to the Freeholders of the said Parish, for such reasonable Price, as will in the whole be sufficient to pay for the Erecting the said Pews.

Justices empowered to assess, &c. on the Taxable Inhabitants of the old and new Parishes.

Vestry empowered to purchase Land to erect a Church, and to contract for building it.

CHAP. XXXIII.

The Church in *Cheſter-Town* to be a Chapel of Eaſe.

VI. **And whereas**, the Inhabitants of *Cheſter-Town* aforeſaid, and others of the County aforeſaid, have alſo ſet forth in their Petition, That ſundry Perſons reſiding within the ſaid Town, and other Perſons within the County aforeſaid, have heretofore at their own private Expence, purchaſed a Portion of Ground within the ſaid Town, ſufficient for the Site of a Church and decent Burial Ground, and that they have at a conſiderable Expence erected a Commodious Houſe thereon, for the Public Worſhip of Almighty GOD, which, with ſome Addition to be made to the ſaid Houſe, would make it a ſufficient Church for the new intended Pariſh, and to which Perſons in the Country might alſo reſort, and which they were willing ſhould be appropriated to the Public, ſaving to the private Proprietors their Pews in the ſaid Church and Gallery, which they have deſigned and appropriated, and have prayed that the ſaid Addition may be ſo made, and that if the Aſſembly ſhould think proper to eſtabliſh another Place of Worſhip in the intended new Pariſh, at the Place called I. U. that the Incumbent for the Time being, ſhould be obliged alternately on Sundays, to adminiſter the Public Service in the ſaid Town, and the ſaid other Place; and this preſent General Aſſembly thinking the ſaid Prayer reaſonable, ſo far as to make the ſaid Place in *Cheſter-Town* a Chapel of Eaſe in the ſaid Pariſh; **Be it therefore Enacted**, *by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Veſtry of *Cheſter* Pariſh, and they are hereby required, to contract and agree with a proper Perſon or Perſons, for the building, finiſhing and compleating, (all but the Pews) an Addition to the ſaid Houſe of Worſhip in *Cheſter-Town*, ſufficiently large, together with the ſaid Houſe already built, to hold the People of the ſaid Town and of the Neighbourhood thereabouts, ſo as it does not coſt more than Fifty Thouſand Pounds of Tobacco, and that the ſaid Veſtry ſhall contract and agree with a proper Perſon or Perſons, to erect and finiſh Pews in the ſaid Addition, which, when finiſhed, the ſaid Veſtry are hereby authorized and required to ſell and diſpoſe of, to ſuch of the People of the Town, reſident in, and Owners of Lots therein, and have not Pews already in the old Part of the ſaid Building, and others Freeholders in the ſaid Pariſh convenient to the ſaid Church, for ſuch reaſonable Price as will in the whole be ſufficient to pay for the erecting the ſaid Pews, which ſaid Ground or Land and Houſe thereon, and Addition when ſo built and finiſhed, ſhall be and is hereby declared to be conſtituted and deemed the Land and Chapel of Eaſe of the ſaid Pariſh, and the ſaid Chapel for ever hereafter, ſhall be ſupported and repaired at the Charge of the ſaid Pariſh; and the Incumbent for the Time being of *Cheſter* Pariſh aforeſaid, ſhall and is hereby required to perform Divine Service on Sundays alternately, at the Pariſh Church of the ſaid Pariſh, and the ſaid Chapel of Eaſe in *Cheſter-Town*.

Veſtry to contract for building an Addition to ſaid Church.

Incumbent to perform Divine Service alternately at the Pariſh Church and Chapel.

Sheriff to collect the Aſſeſſments, and pay the Veſtry.

VII. **And be it further Enacted**, *by the Authority aforeſaid*, That the Sheriff of the County aforeſaid, for the Time being, ſhall and is hereby impowered and required, to collect and receive the ſaid Aſſeſſments, ſo as aforeſaid made by the ſaid Court, in the ſame Manner, and in the ſame Time, as he collects other Public and Pariſh Dues, and that he and his Securities, ſhall be anſwerable for the ſame, and he or his Executors or Adminiſtrators ſhall pay the ſaid Sums ſo aſſeſſed to the Veſtry of *Cheſter* Pariſh aforeſaid, or to their Order or Orders, at any Time after he has collected, or by Law ought to have collected the ſame, and the ſaid Veſtry or the major Part of them, are hereby authorized and impowered to receive the Sums of Tobacco and Money raiſed and collected by the Sheriff, under the Aſſeſſments as aforeſaid, or his Executors or Adminiſtrators, for the Uſes and Purpoſes aforeſaid, or to draw Orders for the ſame.

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CHAP. XXXIV.

An ACT to increase the Allowance of Jurors attending the Provincial and County Courts, and for other Purposes therein mentioned.

WHEREAS the Allowances heretofore made to Grand and Petit Jurors attending the Provincial and County Courts, are so small, that the same are not sufficient to maintain such Jurymen during the Time of their Attendance; in order therefore that reasonable Provision may be made for them, it is humbly prayed that it may be Enacted; Preamble.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That from and after the End of this Session of Assembly, there shall be allowed to every Grand and Petit Juror, who shall be summoned to attend at the Provincial Court, in Lieu, and in Stead of all or any Allowance or Allowances, by any former Act or Acts of Assembly of this Province, the Quantity of Sixty-four Pounds of Tobacco per Day, for every Day such Juror shall attend the Provincial Court aforesaid, in the Public Levy of this Province, and be paid in the County where such Juror resides, besides the Quantity of Ninety-six Pounds of Tobacco, which shall be allowed to every full Jury who shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed in the Bills of Cost as usual, and no more; any Law, Statute, or Usage to the contrary, notwithstanding. Allowance to Jurors attending the Provincial Court, 64 lb Tobacco per Day; And 96 lb to every full Jury on a Verdict.

III. **And be it further Enacted**, That in case any Jury who shall be Sworn and Charged in any Cause, shall be ready to give their Verdict therein, but the Plaintiff or Plaintiffs in such Cause, shall refuse to appear to such Verdict, whereby the said Plaintiff or Plaintiffs in such Case shall be Nonsuit; that then, and in such Case, the said Jury shall be allowed the aforesaid Quantity of Ninety-six Pounds of Tobacco, in the same Manner as if they had given their Verdict in such Cause; and the same shall be paid by the Defendant or Defendants therein, and be allowed in his, her, or their Bill of Costs, against the Plaintiff or Plaintiffs in such Cause. The same Allowance where the Plaintiff refuses to appear.

IV. **And be it further Enacted**, That there shall be allowed to every Grand and Petit Juror, who shall be summoned, and attend the said Provincial Court, over and above the Allowances aforesaid, for itinerant Charges, at the Rate of Sixty-four Pounds of Tobacco, per Day, as follows, *viz.* To those from the Counties of *St. Mary's*, *Kent*, *Talbot*, and *Frederick*, Six Days each; from *Calvert*, *Charles*, *Baltimore*, *Prince-George's*, and *Queen-Anne's*, Four Days each; from *Somerset*, and *Worcester*, Ten Days each; and to those from *Dorchester*, and *Cæcil* Counties, Eight Days each, and no more; to be allowed and paid in the same Manner as the other Allowances herein mentioned are directed to be allowed and paid. Allowance for itinerant Charges.

V. **And be it likewise Enacted**, That there shall be allowed to every Grand and Petit Juror, who shall be summoned, and attend any County Court, in Lieu and Stead of all or any Allowance or Allowances, by any former Act or Acts of Assembly, the Quantity of Twenty-four Pounds of Tobacco per Day, for every Day such Juror shall attend any County Court aforesaid, besides the Quantity of Ninety-six Pounds of Tobacco for each Cause, and no more. Allowance to Jurors in County Courts.

VI. **And whereas**, it is and has been a frequent Practice among Parties to Suits, to summon several Witnesses to the Proof of one and the same Matter of Fact in a Cause, and many others who really know nothing of the Fact, only No more Charge to be allowed in

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the Bill of Costs, than of Three Witnesses, to the Proof of any particular Fact, &c. except in Land Affairs.

only to inhance the Costs, to the great Burthen and Oppression of the Party, who by the Judgment of the Court in such Cause, is awarded to pay the Costs of such Suit: For Prevention whereof, for the future, **Be it Enacted**, That in any Action or Actions, already commenced, or hereafter to be commenced, there shall not be allowed the Charge of more than Three Witnesses to the Proof of any one particular Matter of Fact, unless where Boundaries of Land shall come in Question, in which Case it shall be in the Discretion of the Court, where such Cause shall be tried, to allow a greater Number; nor shall there be allowed the Charge of any other Witness or Witnesses, who shall appear to the Court to have been unnecessarily summoned.

Witnesses residing in other Counties, shall be allowed itinerant Charges at the Rate of 40 lb Tobacco per Day in the County Court;

VII. **And be it further Enacted**, That where any Person shall be summoned to attend as a Witness, to Testify at any County Court within this Province, who shall at the same Time reside in a different County than that where such Court shall be held, to which he or she shall be summoned to attend to give his or her Evidence, that it shall and may be lawful in such Case, for the Justices of the same County, to allow to such Witness for so many Days itinerant Charges as the said Justices shall think reasonable, at the Rate of Forty Pounds of Tobacco per Day, over and besides the Time that such Witness shall attend such Court, to which he or she shall be summoned to give Evidence.

All which may be discharged in Money at 12/6 per Cent.

VIII. **Provided always, and be it further Enacted**, That it shall and may be lawful for the several and respective Inhabitants, and Suitors, to pay and discharge the said several and respective Quantities of Tobacco, in Gold and Silver, in the same Manner as they are enabled to pay and discharge the Public and County Levy.

The Act of 1760, *ch.* 16, repealed.

IX. **And be it further Enacted**, That an Act of Assembly of this Province, made at a Session of Assembly begun and held at the City of *Annapolis*, on the Twenty-sixth Day of *September*, *Anno Domini* Seventeen Hundred and Sixty, entitled, *An Act for increasing the Allowance of Grand and Petit Jurors, who shall attend the Provincial Court, to limit Costs with respect to Witnesses, and granting them an Allowance for itinerant Charges*, be, and is hereby Repealed.

Duration.

X. This Act to continue Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

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An ACT to confirm a Lease made by *Thomas Harrison* of *Baltimore* County, for Part of a Lot of Land therein mentioned, lying in *Baltimore-Town*, in said County, to the Commissioners of the said Town, and their Successors, and to establish a Market in the said Town, and for the Regulation of the said Market.

Preamble.

WHEREAS it has been represented to this General Assembly, that the Inhabitants of the said Town have obtained a Lease from a certain *Thomas Harrison*, to *William Lyon*, *Nicholas Ruxton Gay*, *John Moale*, and *Andrew Buchanan*, to, and in the Name of, a Majority of the Commissioners of the said Town, bearing Date the Fourth Day of *June*, Seventeen Hundred and Sixty-three, for Part of a Lot of Land in the said Town, distinguished in the Plat thereof by the Number *Seventy-One*, for and during the Term of Ninety-nine Years, under the yearly Rent of Eight Pounds Sterling Money, with a Covenant therein contained, on the Part of the said *Thomas Harrison*, for the Renewment of the said Lease, at the Expiration of the said Term

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Term, and further renewable for ever; on which said Part of the Lot of Land aforesaid, the said Inhabitants have built and erected a large and convenient Building, calculated for a Market-House, and other Public Uses, which, if put under a proper Regulation, might be rendered very useful to them and the Inhabitants of the said County: And it is prayed, That an Act of Assembly may be passed for confirming the said Lease, and vesting the Estate therein limited, to the said Commissioners, and their Successors, for the Use and Benefit of the said Town, and for holding and regulating the Market of the said Market-House, and for the Appointment of a Clerk of the said Market, by the Justices of *Baltimore* County Court.

Lease confirmed.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That the said Lease, so made, by the said *Thomas Harrison*, to the said Commissioners, and every Clause, Matter, and Thing, therein contained, shall be, and hereby is declared good and sufficient in Law, and that the said Commissioners, and their Successors, Commissioners of *Baltimore-Town*, shall, and may hold, possess, and enjoy, the said demised Part of the Lot of Land aforesaid, and the Estate therein limited, to and for the Use and Benefit of the said Town, in as full and ample Manner, as if they the said Commissioners had been legally constituted a Body Politic and Corporate, in Deed and in Name, with Capacity to purchase.

Market Days established, &c.

III. **And be it further Enacted,** *by the Authority, Advice, and Consent aforesaid,* That from and after the First Day of *January* next, Two Days in every Week, *to wit*, Wednesday and Saturday, shall be held as Market Days at the Market-House in the Town of *Baltimore* aforesaid; and that all Victuals and Provisions whatsoever, brought to the said Town for Sale, (except Fish and Oysters that shall be brought by Water, all Kinds of Grain, Flour, and Bread, Butter in Firkins, or other Vessels exceeding Twenty Pounds Nett, and Cheese, Pork by the Hog, Beef and Pork in Barrels or larger Casks, live Cattle, Sheep and Hogs, that shall be brought either by Land or Water) upon those, or any other Days of the Week, shall be carried to the Public Market-House of the said Town, there to be sold at the stated Market Hours, *to wit*, from any Time in the Morning, to Twelve at Noon.

Market Hours.

IV. **And be it further Enacted,** That no Inhabitant of the said Town, or other Person, shall presume to buy, or cause to be bought of any Person or Persons, bringing (and within one Mile of the said Town) or having brought therein, any kind of Victuals or Provisions for Sale, (except as before excepted) either upon the above stated Market Days, or any other Days of the Week, during the Time of the above stated Market Hours, at any other Place whatsoever, but at or in the aforesaid Market-House, under the Penalty of Twenty Shillings Current Money of this Province for every such Offence, to be recovered by Warrant before any Justice of the Peace for *Baltimore* County, or the County where such Person shall reside, as in case of Small Debts, to be paid to the Clerk of the said Market for the Time being, and applied by him to the Uses herein after mentioned.

Penalty on buying within Market Hours out of the Market-House.

V. **And be it further Enacted,** That no Person whatsoever, bringing or sending, or having brought or sent any Victuals or Provisions to the said Town for Sale, (except as before excepted) shall presume to sell, or cause to be sold, the said Victuals or Provisions, to bringing or sending, or brought or sent as aforesaid, to the said Town, or within one Mile thereof, either by Land or Water, at any other Place whatsoever, during the Time of the above stated Market Hours, but at or in the aforesaid Market-House, under the Penalty of Ten Shillings Current Money of this Province, for every such Offence, to

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be recovered, paid, and applied, as aforeſaid. And, if any Servant or Slave ſhall preſume to ſell any Victuals or Proviſion, contrary to the true Intent and Meaning of this Act, ſuch Servant or Slave ſhall be puniſhed by Whipping on the bare Back, at the Diſcretion of one or more Juſtices of the Peace for *Baltimore* County, provided ſuch Whipping do not exceed Fifteen Laſhes for any one Offence.

Penalties how to be recovered.

VI. **And be it further Enacted**, That the Penalties in this Act mentioned, ſhall be recovered by, and in the Name of the Commiſſioners of the ſaid Town, to be by them ordered to the Public Uſe and Benefit of the ſaid Town.

Juſtices to nominate the Clerk at *November* Court yearly.

VII. **And be it further Enacted**, That the Juſtices of *Baltimore* County aforeſaid, in Court ſitting, ſhall, and they are hereby required, at every *November* Court, yearly, and every Year, during the Continuance of this Act, to nominate and appoint one of the Inhabitants of the Town of *Baltimore* aforeſaid, being a Freeholder within the ſaid Town, to be Clerk of the ſaid Market for the Year then next enſuing, whoſe Power and Authority as Clerk, ſhall continue until the laſt Day of *November* Court ſucceeding ſuch Nomination and Appointment.

Clerk to take Charge of the Market, and inſpect Proviſions, &c.

VIII. **And be it further Enacted**, That the Clerk of the ſaid Market to be appointed, ſhall have ſufficient Power and Authority to take Care and Charge of the Market and Market-Houſe aforeſaid, to inſpect the Proviſions brought thereto for Sale; and if any ſhall be found unſound or unwholeſome, to deſtroy the ſame, and alſo to try and adjuſt the Weights and Meaſures uſed at the ſaid Market, by Standards to be provided and kept there by the Commiſſioners of the ſaid Town for that Purpoſe, and the ſame, when falſe or untrue, to ſeize and diſpoſe of at the next public Market Day, to the higheſt Bidder, and the Money ariſing from ſuch Sale to appropriate to the Uſe of the ſaid Town.

Clerk enabled to Rent the Stalls, &c.

IX. **And be it further Enacted**, That the ſaid Clerk, ſo nominated and appointed as aforeſaid, ſhall have full Power to rent or hire out, as well the Stalls and Shambles in the ſaid Market-Houſe, as the Rooms and Apartments over the ſame; and a fair and juſt Account of the Profits ariſing from ſuch Rents, and alſo of all ſuch Fines and Penalties he ſhall receive by virtue of this Act, he the ſaid Clerk is hereby directed to keep and apply the ſame from Time to Time to the Uſe and Benefit of the ſaid Town, according to the Orders or Directions of the Commiſſioners thereof, for the Time being, for all which Services the ſaid Clerk ſhall be allowed out of the Public Money belonging to the ſaid Town, at the Diſcretion of the ſaid Commiſſioners, not exceeding the Sum of Thirty Pounds *per Annum*.

Clerk to take an Oath of Office.

X. **Provided always, and be it Enacted**, That before any Clerk to be nominated and appointed as aforeſaid, ſhall enter upon his Office, he ſhall be obliged to take an Oath before ſome Juſtice of the Peace for *Baltimore* County, juſtly, truly, and impartially, to perform the ſeveral Duties required of him by this Act, and the ſeveral Oaths to the Government appointed by Law, and ſubſcribe the Oath of Abjuration, and repeat and ſign the Teſt.

Commiſſioners to make the firſt Appointment.

XI. **And whereas** the Time by this Act preſcribed and appointed for the Choice of the ſaid Clerk, is already elapſed, and the Inhabitants of the ſaid Town of *Baltimore* labour under daily Inconveniencies for want of the Regulations hereby made, **Be it alſo Enacted**, That the Commiſſioners of the ſaid Town, or the major Part of them, may, and are hereby impowered and required, on the Firſt Day of *January* next, to nominate and appoint one of the Inhabitants of the ſaid Town, being a Freeholder, within the ſaid Town, to be Clerk of the ſaid Market for the Year enſuing, and until the laſt Day of

of *November* Court then next following, which Clerk, ſo nominated and appointed, ſhall have all the Power and Authority hereby given, or intended to be given to any Clerk to be appointed by the Juſtices of the County Court aforeſaid. CHAP. XXXV.

XII. **And be it further Enacted**, That in caſe of the Death, Removal, or other Diſqualification of any Clerk of the ſaid Market, to be nominated or appointed by the Juſtices of the ſaid County Court, or the Commiſſioners of the Town aforeſaid, immediately thereupon, or as ſoon as may be, the Commiſſioners of the ſaid Town, or the major Part of them, ſhall nominate and appoint ſome other Perſon duly qualified as aforeſaid, to be Clerk until the laſt Day of the *November* Court then next enſuing, who ſhall have full Power and Authority, as Clerk of the Market, in every Caſe aforementioned. In caſe of Death, &c. to nominate a-new,

XIII. **And be it further Enacted**, That every Perſon ſo nominated and appointed, either by the Juſtices aforeſaid, or by the Commiſſioners of the ſaid Town, as Clerk of the ſaid Market, ſhall, before he takes on himſelf the Execution of the ſaid Office, enter into Bond, with Two ſufficient Securities, in the Sum of Two Hundred Pounds Current Money, to the Commiſſioners of the ſaid Town of *Baltimore*, for the Time being, with Condition thereto, that he will well and faithfully diſcharge his Duty, agreeable to the Act of Aſſembly, entitled, *An Act to confirm a Leaſe made by* Thomas Harriſon *of* Baltimore *County, for Part of a Lot of Land therein mentioned, lying in* Baltimore-Town, *in ſaid County, to the Commiſſioners of the ſaid Town, and their Succeſſors, and to eſtabliſh a Market in the ſaid Town, and for the Regulation of the ſaid Market*, and a juſt and true Account render of all ſuch Monies as he ſhall receive by virtue of his Office, and that he will pay and apply ſuch Monies, ſo received, as the Commiſſioners aforeſaid, for the Time being, or the major Part of them, order and direct. Clerk to give Bond, &c.

XIV. **And be it further Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That it ſhall not be lawful for any Perſon whatever, wilfully to lead, ride, or drive into the aforeſaid Market-Houſe, any Horſe, Gelding, Mare, or Colt, or to kill or ſlaughter in the ſaid Houſe, any Beaſt of the Beef, Sheep, or Hog kind, under the Penalty of Two Shillings and Six-pence Current Money of this Province, for every ſuch Offence; to be received, paid, and applied, in Manner and Form as in this Act before directed. No Perſon to lead, ride, or drive Horſes, or kill in the Market-Houſe.

XV. **Saving** to his Moſt Sacred Majeſty, his Heirs and Succeſſors, the Right Honourable the Lord Proprietary, his Heirs and Succeſſors, and to all Bodies Politic and Corporate, and all others not mentioned in this Act, their ſeveral and reſpective Rights. *Salvo.*

XVI. This Act to continue Seven Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Seven Years. Duration.

CHAP. XXXVI.

An ACT for deſtroying of Crows and Squirrels in particular Counties, and of red Foxes in *Kent* and *Queen-Anne*'s Counties.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That ſo much of an Act of Aſſembly, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Third Day of *October*, One Thouſand Seven Hundred and Twenty-eight, entitled, *An Act to encourage the deſtroying of Wolves, Crows, and Squirrels*, as relates to the killing of Crows and Squirrels, ſo far as the ſame The Act of 1728, *ch.* 7, repealed.

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ſame relates to the ſeveral Counties of *St. Mary's*, *Somerſet*, *Charles*, *Anne-Arundel*, *Cæcil*, *Calvert*, *Worceſter*, *Talbot*, *Prince-George's*, *Frederick*, and *Dorcheſter*, be, and is hereby repealed, abrogated, and made null and void.

Taxables in *Somerſet*, *Cæcil*, *Worceſter* and *Dorcheſter*, to produce Four Squirrels Scalps, or Crows heads.

II. **And be it further Enacted**, *by the Authority aforeſaid*, That from and after the Firſt Day of *March* next, every Maſter, Miſtreſs, Owner of a Family, or ſingle Taxable, in the Counties of *Somerſet*, *Cæcil*, *Worceſter*, and *Dorcheſter*, ſhall be, and are by this Act obliged, yearly, at ſome Time before the laying their County Levy, to produce to ſome one of the Juſtices of the Peace of their County, Four Squirrel Scalps or Crows Heads, for every Taxable Perſon they ſhall pay Levy for, that Year; and the ſeveral Juſtices of the Peace, before whom ſuch Squirrel Scalps or Crows Heads ſhall be brought, ſhall burn, or cauſe to be burnt, or otherways deſtroyed, ſuch Squirrel Scalps or Crows Heads that ſhall be ſo produced to him or them, to prevent their being produced a ſecond Time; and give ſuch Perſon a Certificate under his Hand, certifying the Number of Squirrel Scalps or Crows Heads ſuch Perſon brought before him, which Certificate, the Perſon obtaining the ſame, ſhall lay before the Juſtices of their County, at the Time of laying their County Levy; and the Juſtices of the ſaid Counties ſeverally, ſhall then cauſe a Liſt of Taxables to be laid before them, in Order from thence, to compare the Number of Taxables each Perſon pays in the County, with the Certificates produced, that thereby it may be found what Perſons have complied with this Act, and who have failed therein.

In *Talbot* County, Three.

III. **And be it further Enacted**, That from and after the Firſt Day of *March* aforeſaid, every Maſter, Miſtreſs, Owner of a Family, or ſingle Taxable in *Talbot* County, ſhall, yearly, before the laying of the Levy for ſaid County, produce to ſome Juſtice of the Peace of ſaid County, Three Squirrel Scalps or Crows Heads for every Taxable they ſhall pay Levy for, that Year; and the ſeveral Juſtices of the Peace, before whom ſuch Squirrel Scalps or Crows Heads ſhall be brought, ſhall burn, or cauſe to be burnt, or otherways deſtroyed, ſuch Squirrel Scalps or Crows Heads; and give ſuch Perſon a Certificate under his Hand, of the Number of Squirrel Scalps or Crows Heads ſo brought before him, to be by the Perſon obtaining the ſame, laid before the Juſtices of the ſaid County, at the Time of laying the County Levy; and the Juſtices of the County aforeſaid, ſhall then cauſe a Liſt of the Taxables to be laid before them, in Order from thence, to compare the Number of Taxables each Perſon pays in the ſaid County, with the Certificates produced, that it may be found who have complied with this Act, and what Perſons have failed therein.

On Failure, to pay 2 lb of Tobacco for each Head.

IV. **And be it further Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That every Perſon that ſhall fall ſhort of producing a Certificate of Squirrel Scalps or Crows Heads in Proportion to their Taxables, according to the Directions and Exigence of this Act, the Juſtices of the ſeveral and reſpective County Courts, wherein ſuch Perſon or Perſons ſhall reſide, at the Time of laying the County Levy, are hereby impowered and required, for each Squirrel Scalp or Crows Head ſuch Perſon ſhall fall ſhort in Manner aforeſaid, to levy upon ſuch Perſon, the Sum of Two Pounds of Tobacco to be upon Execution, and collected by the Sheriff of the County, in the ſame Manner as the Public and County Levies are, to be applied towards the defraying the County Charge.

Proof to be made.

V. **Provided always**, That no Juſtice of the Peace, ſhall give a Certificate of ſuch Squirrel Scalp or Crows Head ſo produced, unleſs Proof is made by Oath (or Affirmation if a Quaker) of the Perſon producing the ſame, or ſome other credible Perſon, that the Squirrels or Crows of which thoſe are the

the Scalps or Heads, were actually killed in the County where produced; any Thing in this Act to the contrary notwithstanding. CHAP. XXXVI.

VI. And whereas it is represented to this present General Assembly, that red Foxes have been found to be very injurious to the Inhabitants of *Kent* and *Queen-Anne*'s Counties: Be it Enacted, *by the Authority aforesaid*, That from and after the End of this present Session of Assembly, every Person who shall kill or destroy any red Fox in the aforesaid Counties of *Kent* and *Queen-Anne*'s, and shall bring the Head of the same, to any Justice of the Peace for the aforesaid Counties, who is hereby required to burn, or otherways destroy the same, and give the Person so bringing such Fox's Head, a Certificate thereof, shall be allowed for every such Head in the County Levy, the Quantity of Twenty Pounds of Tobacco. Allowance of 20 lb Tobacco for red Foxes in *Kent* and *Queen-Anne*'s.

VII. Provided always, That no Person whatsoever, other than those who shall be Residents in the aforesaid Counties of *Kent* and *Queen-Anne*'s, shall be entitled to such Reward as is herein before directed, nor any such Residents, until he, she, or they, shall first make Oath before a Justice of the Peace, or Affirmation (if a Quaker) or make appear by the Oath or Affirmation (if a Quaker) of some other credible Person, that such Fox was, to his, her, or their Knowledge, or the Knowledge of such other credible Person, actually killed in the County were the Allowance is prayed. To be paid to Residents only.

VIII. Provided also, That the Sum allowed for every Fox's Head, shall and may be collected, paid, and discharged, by the Inhabitants of the said Counties of *Kent* and *Queen-Anne*'s, respectively, as other Public and County Levies are collected, paid, and discharged. May be paid as Public Dues.

IX. This Act to continue Three Years, and until the End of the next Session of Assembly, which shall happen after the Expiration of the said Three Years. Duration.

CHAP. XXXVII.

An ACT for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of *Jonas Green*, of the City of *Annapolis*, Printer.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That there shall be allowed to *Jonas Green*, of the City of *Annapolis*, Printer, the several and respective Sums of Tobacco, in the several Counties within this Province following, *to wit*, Allowance in Tobacco to *J. Green*, in the several Counties.

In *Baltimore* County, Five Thousand One Hundred and Sixty.
Anne-Arundel County, Four Thousand Three Hundred and Eighty-six.
Charles County, Four Thousand and Forty-two.
Prince-George's County, Three Thousand Nine Hundred and Fifty-six.
Frederick County, Three Thousand Five Hundred and Twenty-six.
Queen-Anne's County, Three Thousand Four Hundred and Eighty-three.
St. Mary's County, Three Thousand Three Hundred and Fifty-four.
Dorchester County, Three Thousand One Hundred Eighty-two.
Kent County, Three Thousand One Hundred and Thirty-nine.
Talbot County, Three Thousand and Fifty-three.
Somerset County, Three Thousand and Ten.
Worcester County, Two Thousand Eight Hundred and Eighty-one.
Cæcil County, Two Thousand Eight Hundred Thirty-eight. And
Calvert County, Nineteen Hundred and Ninety.

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Which ſaid reſpective Sums of Tobacco, the Juſtices of the ſeveral County Courts within this Province, are hereby impowered and required to allow and aſſeſs in their reſpective County Levies, annually, during the Continuance of this Act, together with the Sheriff's Salary of Five Pounds per Cent for collecting the ſame: And the ſeveral Sums of Tobacco, ſo to be allowed and aſſeſſed, as aforeſaid, ſhall be collected by the Sheriff of each reſpective County, and yearly paid by them reſpectively, free from any Abatement or Deduction, to the ſaid *Jonas Green*, or his Order, for Printing, Stitching, Covering with Marble, or Blue Paper, and delivering a Copy of the Public Laws made this preſent Seſſion of Aſſembly, by the Firſt Day of *May*, in the Year One Thouſand Seven Hundred and Sixty-ſix, and the Votes and Proceedings of the Lower Houſe of Aſſembly of this preſent Seſſion, by the Tenth Day of *May*, in the Year of our Lord Seventeen Hundred and Sixty-ſix; and alſo a Copy of the Laws of any future Seſſion within Three Months, and of the Votes and Proceedings of the Lower Houſe of Aſſembly, within Four Months reſpectively, after the End of every ſuch Seſſion, during the Continuance of this Act, to the Governor, and each Member of the Upper and Lower Houſes of Aſſembly, and one Book of the Votes and Proceedings to the Clerk of each Houſe, and Three Books of the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral and reſpective County Courts, for the Peruſal of the Inhabitants of the ſeveral and reſpective Counties, and a Copy of the Public Laws, during the Continuance of this Act, to every Provincial and County Magiſtrate, and a Copy of each Law, bound up in Leather, to each Houſe of Aſſembly, the High Court of Appeals, the Provincial Court, and to each County Court within this Province, unleſs he ſhall be hindered by the Death of his Hands employed in the Preſs, or by Sickneſs, or the unavoidable Accident of his Preſs breaking.

His Duty for ſuch Allowance.

His Allowance in caſe of no Seſſion.

II. **And be it likewiſe Enacted**, That if it ſhould ſo happen, that in any Year, during the Continuance of this Act, there ſhould not be any Seſſion of Aſſembly held within this Province, whereby the ſaid *Jonas Green* may be enabled to print Laws, and deliver them within ſuch Year, that then, and in ſuch Caſe, there ſhall be allowed to the ſaid *Jonas Green*, the ſeveral and reſpective Sums of Tobacco, in the ſeveral Counties within this Province, following, *to wit*,

In *Baltimore* County, Four Thouſand One Hundred and Seventy.
Anne-Arundel County, Three Thouſand Four Hundred and Forty.
Charles County, Three Thouſand One Hundred and Eighty.
Prince-George's County, Three Thouſand and Ninety-ſix.
Frederick County, Two Thouſand Seven Hundred and Ninety-five.
Queen-Anne's County, Two Thouſand Seven Hundred and Six.
St. Mary's County, Two Thouſand Four Hundred and Ninety-four.
Dorcheſter County, Two Thouſand Four Hundred and Eight.
Kent County, Two Thouſand Three Hundred and Sixty-five.
Talbot County, Two Thouſand One Hundred and Fifty.
Somerſet County, Two Thouſand and Twenty.
Worceſter County, Nineteen Hundred and Thirty-five.
Cæcil County, Eighteen Hundred and Ninety. And
Calvert County, Fourteen Hundred and Sixty.

Which ſaid reſpective Sums of Tobacco, laſt afore-mentioned, together with the Sheriff's Salary of Five Pounds per Cent for collecting the ſame, the ſaid Juſtices of the ſeveral County Courts within this Province, are hereby impowered and required to allow and aſſeſs in their reſpective County Levy, and ſhall be by the reſpective Sheriffs collected, and yearly paid to the ſaid *Jonas Green*, in Manner and Form aforeſaid, for his better Support and Encouragement in ſerving this Province, and reſiding within the ſame.

III. **Provided**

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III. **Provided always, and be it hereby Enacted,** That it shall and may be lawful for the Taxable Inhabitants of this Province, upon whom the above Sums of Tobacco shall be assessed, to discharge and pay the same in Gold and Silver, at the same Rates as by the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees,* made at a Session of Assembly begun and held at the City of *Annapolis*, the Fourth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Sixty-three, Gold and Silver is directed to be received in all Payments made in virtue of that Act.

May be paid in Money.

IV. **Provided always,** That the said *Jonas Green* shall actually reside at *Annapolis*, during the Continuance of this Act, and comply with the Terms thereof; and that upon the Death of the said *Jonas Green*, or his Removal from *Annapolis*, or ceasing to comply with the Terms of this Act on his Part, the Payment of the Sums of Money herein before directed to be paid to him, shall cease, any Thing contained in this Act to the contrary notwithstanding.

Proviso, in case of his Removal.

V. **And be it likewise Enacted,** That the Copy of the Public Laws, made at this present Session of Assembly, as well as those made at any future Session, during the Continuance of this Act, shall have Marginal Notes made and printed thereto, as also the Date of the Year, wherein such Laws were respectively made, inserted in each Page, and a List of such Laws made at the End of each Session, with the Page wherein they are Printed; all which the said *Jonas Green* is hereby required and obliged to do, as well as all other Services herein before mentioned, for the yearly Salary aforesaid.

The Laws to have Marginal Notes, &c.

VI. **And whereas** the Law for the Encouragement of the said *Jonas Green*, did expire the Second Day of *April*, Seventeen Hundred and Sixty-five, whereby the said *Jonas Green* can have now no Allowance by Assessment, in Manner aforesaid directed from this Province, for the Year Seventeen Hundred and Sixty-five aforesaid; **Be it therefore Enacted,** That the Treasurer of the Western Shore, for the Time being, shall, and do pay unto the said *Jonas Green*, or his Order, the Sum of Two Hundred and Sixty Pounds Gold Currency, out of the Public Money now in his Hands, in full Satisfaction of his Salary in the Year Seventeen Hundred and Sixty-five aforesaid.

His Allowance for the present Year;

VII. **Provided** that the said *Jonas Green*, before he be entitled to receive the said Money, shall produce to the said Treasurer a Certificate from the Sheriff of *Anne-Arundel* County, for the Time being, that he shall have received from the said *Jonas Green*, the public printed Laws, and the Votes and Proceedings of the last and present Session of Assembly, by the Tenth Day of *May* next.

On producing the Sheriff's Receipt.

VIII. **Provided also,** That it shall and may be lawful for the Sheriffs of the several and respective Counties respectively, and they are hereby required not to pay to the said *Jonas Green* the said respective Sums of Money herein before mentioned, or any Part thereof, to be assessed and levied for his Use, for his Salary for this present or any future Year, during the Continuance of this Act, unless it shall be made appear to them by a Certificate or Receipt from the Sheriff of *Anne-Arundel* County, for the Time being, that the Public Laws, and the Votes and Proceedings of this Session, and every future Session or Convention, during the Continuance of this Act, were printed and delivered to him within the respective Times herein before directed; any Thing herein before contained to the contrary, in any wise, notwithstanding.

Proviso, in case of his Failure of Duty.

IX. **And be it further Enacted,** That the several and respective Sheriffs within this Province, shall, and they are hereby directed and required to receive

Laws and Votes

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to be forwarded as Public Letters.

ceive and forward the ſaid Laws, with the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral County Courts, and Members of each Houſe of Aſſembly, as Public Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty; to be recovered and applied in like Manner.

Duration.

X. This Act to continue till the Firſt Day of *December*, Seventeen Hundred and Sixty-ſix.

CHAP. XXXVIII.

An ACT for laying out a-new, and ſettling and aſcertaining the future Bounds and Limits of *St. Luke*'s, *Chriſt-Church*, and *St. John*'s Pariſhes, in *Queen-Anne*'s County, and of *St. Paul*'s Pariſh, lying partly in *Queen-Anne*'s, and partly in *Talbot* County.

Preamble.

WHEREAS it is repreſented to this preſent General Aſſembly, that, by reaſon of the great Extent of ſome of the Pariſhes aforeſaid, it is very inconvenient for many of the Pariſhioners to attend Divine Service, and that others of the ſaid Pariſhes are ſo ſmall, that the Incomes thereof are not ſufficient for a comfortable and decent Support for a Miniſter, and that it would be for the general Eaſe and Convenience of the Pariſhioners of the ſaid Pariſhes, if the ſame Pariſhes were laid out a-new, and the future Bounds and Limits of them reſpectively aſcertained: It is therefore prayed that it may be Enacted;

Commiſſioners appointed to divide ſome Pariſhes:

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That *Robert Lloyd, Edward Tilghman, James Hollyday, Thomas Wright, Richard Tilghman Earle, William Hemſley, Nathan Samuel Turbutt Wright, Solomon Wright, John Brown, Benjamin Gould, James Hackett, Thomas Ringgold*, and *Chriſtopher Croſs Routh*, of *Queen-Anne*'s County, Gentlemen, ſhall be, and are hereby conſtituted and appointed Commiſſioners for laying out a-new, and ſettling and aſcertaining the future Bounds of *St. Luke*'s, *Chriſt-Church*, and *St. John*'s Pariſhes, in *Queen-Anne*'s County, and *St. Paul*'s Pariſh, lying partly in *Queen-Anne*'s, and partly in *Talbot* County. Which Commiſſioners are hereby required and directed to meet together, on or before the Firſt Day of *March* next, at *Queen*'s-*Town*, in *Queen-Anne*'s County aforeſaid, and they, or the major Part of them, being ſo met together, ſhall, and may chuſe a fit and qualified Perſon to be their Clerk, to make Entries of their Proceedings, in a Book to be by him provided for that Purpoſe, and ſhall and may adjourn, from Time to Time, to any Day and Place which to them ſhall ſeem moſt convenient for the Purpoſe of putting this Act in Execution.

And to have a Clerk;

who is to be on Oath.

III. **And be it further Enacted**, That the ſaid Clerk ſo to be choſen, ſhall, before his entering upon the Execution of his Duty, take an Oath well and truly to demean himſelf therein, and true Entries to make of the Proceedings of the ſaid Commiſſioners.

The Surveyor to attend them.

IV. **And be it further Enacted**, That the ſaid Commiſſioners, or the major Part of them, taking to their Aſſiſtance the Surveyor of *Queen-Anne*'s County aforeſaid, as often as ſhall appear to them needful, who is hereby required to attend the ſaid Commiſſioners, at ſuch Times and Places as they, or the major Part of them, ſhall appoint, and do what ſhall be by them required of him in the Execution of this Act, ſhall, with all convenient Speed, and as ſoon as may be after their ſaid firſt Meeting, proceed to lay out a-new, and ſettle

ſettle and aſcertain the reſpective future Limits of the ſaid Pariſhes, by ſuch natural and artificial Bounds and Lines, as to them, or the major Part of them, ſhall appear to be moſt conducive to the Ends and Intention of this Act, and ſhall finiſh and compleat the ſame Diviſion, on or before the Twentieth Day of *May* next.

Regard to be had to the Number of Taxables, &c.

V. **Provided always**, That the ſaid Commiſſioners, in laying out a-new, and dividing the ſaid Pariſhes, ſhall have regard to the Number of Taxables to be contained in each Pariſh, ſo as to leave the yearly Income of *St. Luke*'s Pariſh as near the Sum of Forty-five Thouſand Pounds of Tobacco, and the yearly Income of *St. Paul*'s Pariſh, as near the Sum of Forty Thouſand Pounds of Tobacco, as conveniently may be, with reſpect to the Facility of the ſaid Diviſion, and the Intention of this Act.

Certificates of the Bounds &c. to be made, ſigned, and lodg'd with the Clerks.

VI. **And be it further Enacted**, That the ſaid Commiſſioners, or the major Part of them, as ſoon as conveniently may be, after they ſhall have laid out a-new the ſaid Pariſhes, ſhall cauſe the ſaid Surveyor to make out Two diſtinct and fair Certificates of the Bounds and Limits, as well natural as artificial, of each of the ſaid Pariſhes, ſo as aforeſaid, to be by them ſettled and aſcertained; and one other ſuch Certificate of the Bounds and Limits of each of the ſaid Pariſhes, which ſhall extend into *Talbot* County, which Certificate ſhall be ſigned by the ſaid Commiſſioners, or the major Part of them and the ſaid Surveyor, one of which Certificates of the Bounds and Limits of each Pariſh, ſhall be returned by the ſaid Commiſſioners to the County Court which ſhall be next after the making and compleating the Diviſion aforeſaid, held for *Queen-Anne*'s and *Talbot* Counties reſpectively, in the Month of *June* next, and one other to the Veſtry of each Pariſh reſpectively, at their next Meeting after the making and compleating the ſaid Diviſion.

The ſame to be enroll'd by the County Clerks,

VII. **And be it further Enacted**, That upon the Return of the ſaid Certificates, the ſaid County Courts ſhall cauſe the Clerks of the ſaid Courts reſpectively to enrol the ſame among the Land Records of the ſaid Courts, and the Veſtry of each Pariſh aforeſaid ſhall cauſe the Certificate of the Bounds and Limits of their Pariſh to be entered in the Regiſter of their Proceedings; and the Bounds and Limits of the ſaid Pariſhes being ſo as aforeſaid certified, inrolled, and entered in the Regiſters, ſhall be, and ſhall thereafter be deemed and held to be the true and certain Bounds and Limits of the ſaid Pariſhes reſpectively, any former Law to the contrary notwithſtanding.

and Pariſh Regiſters.

Alſo their Book of Entries.

VIII. **And be it further Enacted**, That the ſaid Commiſſioners ſhall, together with the Certificates aforeſaid, return to the ſaid County Court of *Queen-Anne*'s County, the Book containing the Entries of their Proceedings in the Premiſes, which ſhall be carefully kept and preſerved by the Clerk of the ſaid Court.

Hundreds to be laid out a-new, if neceſſary.

IX. **And be it further Enacted**, That the ſaid County Courts of *Queen-Anne*'s, and *Talbot* Counties, on Receipt of the ſaid Certificates, ſhall, at their ſaid Courts to be held in the Month of *June* next, reſpectively, regulate, and lay out a-new, if need be, the ſeveral Hundreds contained in the ſaid Pariſhes, in ſuch Manner that each of the ſaid Pariſhes ſhall contain Entire Hundreds.

Allowance to the Commiſſioners, &c. in executing this Act.

X. **And be it further Enacted**, That each of the ſaid Commiſſioners ſhall be allowed the Sum of Sixty-four Pounds of Tobacco for each Day he ſhall attend in the Execution of this Act, and the Surveyor of the County aforeſaid ſhall be allowed the Sum of Eighty Pounds of Tobacco for each Day he ſhall attend in the Execution of this Act, and the ſaid Clerk to the Commiſſioners ſhall be allowed the Sum of Sixty-four Pounds of Tobacco for each Day he

CHAP. XXXVIII.

shall attend the said Commissioners, and the said Clerks of the County Courts aforesaid, shall be allowed their legal Fees for inrolling the said Certificates, all which Allowances shall be made and assessed in the Public Levy of *Queen-Anne's* County, at the *November* Court next after the said Services done, and shall and may be paid and discharged in the same Manner that other County or Parish Taxes are or may be paid and discharged.

30,000 lb of Tobacco to be levied for repairing *Wye* Chapel, by Three equal Assessments.

XI. **And whereas** sundry of the Inhabitants of the Southern Quarter of *St. Paul's* Parish aforesaid, by their humble Petition to this General Assembly, have represented, that the Chapel called *Wye* Chapel, in the said Parish, is so small and incommodious, that near One Half of the Inhabitants in that Part of the said Parish, are without Seats, or any other Conveniency to attend Divine Worship therein; and have therefore humbly prayed, that an Act may be passed for levying on the Inhabitants of the said Parish, by Three equal annual Assessments, the Sum of Thirty Thousand Pounds of Tobacco, to be applied towards building an Addition and Galleries to the said Chapel; **Be it therefore Enacted**, *by the Authority, Advice, and Consent aforesaid*, That the Justices of *Queen-Anne's* and *Talbot* Counties aforesaid, shall be, and they are hereby impowered and required to levy on the Taxable Inhabitants of *St. Paul's* Parish aforesaid, within their said Counties respectively, the Sum of Thirty Thousand Pounds of Tobacco, together with the Sheriff's Salary of Five Pounds of Tobacco *per Centum*, for collecting the same by Three equal Assessments: *That is to say*, One Third Part thereof at their *November* Courts which shall be in the Year One Thousand Seven Hundred and Sixty-six; one Third Part thereof at their *November* Courts which shall be in the Year One Thousand Seven Hundred and Sixty-seven; and one Third Part thereof at their *November* Courts which shall be in the Year One Thousand Seven Hundred and Sixty-eight; which said Sum of Thirty Thousand Pounds of Tobacco, shall and may be collected by the Sheriffs of the said Counties respectively, together with their Commission as aforesaid, and may be paid and discharged by the Parishioners aforesaid, in the same Manner that other County and Parish Taxes are collected, paid, and discharged, and shall be by the said Sheriffs accounted for and paid to the Vestry and Church-wardens of *St. Paul's* Parish aforesaid, for the Time being, who are hereby authorized and impowered to apply the same towards building an Addition and Galleries to the said Chapel, in such Manner as to them shall seem most necessary and convenient, and to no other Use or Purpose whatsoever.

80,000 lb of Tobacco, in like Manner, for Re-building *St. Paul's* Parish Church.

XII. **And whereas**, it is also represented to this General Assembly, that the Parish Church of *St. Paul's* Parish aforesaid, is old, and very much decayed, so that it is become necessary that a new Parish Church should be built in the Room of the old one, which is not worth repairing; and that it is the Desire of the Parishioners of the said Parish, that the Sum of Eighty Thousand Pounds of Tobacco should be levied on the Taxable Inhabitants of the said Parish, by Three equal annual Assessments, and applied towards the building and compleating a new Parish Church at the Place where the present Parish Church stands; **Be it therefore further Enacted**, That the Justices of *Queen-Anne's* and *Talbot* Counties, aforesaid, shall be, and they are hereby impowered and required to levy on the Taxable Inhabitants of *St. Paul's* Parish aforesaid, within their said Counties respectively, the Sum of Eighty Thousand Pounds of Tobacco, together with the Sheriff's Salary of Five Pounds of Tobacco, *per Centum*, for collecting the same, by Three equal Assessments, in the same Manner and at the same Times as above directed for the levying the above Sum of Thirty Thousand Pounds of Tobacco, which Sum of Eighty Thousand Pounds of Tobacco, shall and may be collected by the Sheriffs of the said Counties respectively, together with their Commission as aforesaid, and may be

be paid and discharged by the Parishioners aforesaid, in the same Manner that other County and Parish Taxes are collected, paid, and discharged, and shall, by the said Sheriffs, be accounted for, and paid to the Vestry and Churchwardens of *St. Paul*'s Parish aforesaid, for the Time being, who are hereby authorized and required to apply the same towards building and compleating a new Parish Church at the Place where the Parish Church of *St. Paul*'s Parish aforesaid now stands, in such Manner as to them shall seem most convenient, and to no other Use or Purpose whatsoever. CHAP. XXXVIII.

The Number of Taxables, to be ascertain'd.

XIII. And to the End that the said County Courts may be the better enabled to apportion the said Sums of Thirty Thousand and Eighty Thousand Pounds of Tobacco among the Taxable Inhabitants of *St. Paul*'s Parish aforesaid; Be it further Enacted, That the Justices of the said County Courts shall cause the Clerks of the said Courts to certify, each to the other, by the Third Day of their Courts, to be held in the Month of *November* next, and by the Third Day of their Two next succeeding *November* Courts, the Number of Taxable Persons which shall be in that Part of *St. Paul*'s Parish which shall be in *Queen-Anne*'s County, and in that Part of the said Parish which shall lie in *Talbot* County aforesaid respectively, after the Division aforesaid shall be made.

CHAP. XXXIX.

An ACT for limiting the Time for sinking the Paper Bills of Credit now Current in this Province, and other Purposes therein mentioned.

Preamble.

WHEREAS it is necessary to close the Office established by the Act of Assembly, entitled, *An Act for emitting and making Current Ninety Thousand Pounds Current Money of* Maryland, *in Bills of Credit*, and that some Time should be limited for bringing in, and sinking such of the said Bills of Credit, as are not yet brought in; and whereas there is a considerable Sum of Money in Specie, the Property of the Country, now in that Office, and also a considerable Sum of Money likewise belonging to the Country, in the Hands of the Treasurers, bringing in no Interest, when if both these Sums were invested in Capital Bank Stock, the Dividends thereof would be increasing, and assist in paying off the Public Debt, now due from the Country:

Treasurers to pay all the Public Money in their Hands into the Paper-Office, except, &c.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Treasurers of this Province, for the Time being, respectively, shall, and are hereby required, on or before the First Day of *February* next, to pay in to the said Commissioners or Trustees at their Office, all the Public Money they have in their Hands belonging to the Province, not particularly appropriated, except Five Hundred Pounds which shall remain in each Treasurer's Hands; for which Monies so paid, the said Commissioners or Trustees, shall give particular Receipts to the said Treasurers, expressing in what Specie, whether in Paper Bills of Credit, Gold, or Silver, or what Part in each or either of those Species shall be so paid, and enter a particular Account thereof in their Books, to the Credit of this Province.

And to purchase Bills of Exchange;

III. And be it further Enacted, *by the Authority aforesaid*, That the said Commissioners or Trustees, shall, and are hereby impowered and required, as soon as may be, and before the last Day of *April* next, as well with the Money so as aforesaid to be paid in by the Treasurers, as all the Gold and Silver belonging to the Country now in their Office, to purchase good Bills of Exchange,

CHAP. XXXIX.

change on *London*, on the beſt Terms they can, to be either Drawn or Indorſed by a good and ſubſtantial Perſon or Perſons reſiding in this Province, and having, in the Judgment and Opinion of the ſaid Commiſſioners, a ſufficient Eſtate within this Province, to anſwer the Money ſo drawn for, with Damages, in Caſe of Proteſt. And the ſaid Bills of Exchange, ſo as aforeſaid reſpectively purchaſed, and alſo the Bills of Exchange now in their Office, ſhall, with all poſſible Speed, be remitted by the ſaid Commiſſioners or Truſtees, to the Truſtees reſiding in *London*, for the Time being, who are hereby impowered and directed to apply the ſame to the purchaſe of Bank Stock, for the Uſe of the Province of *Maryland* (to be applied and diſpoſed of, as the General Aſſembly of this Province ſhall direct and appoint) in the ſame Manner, and under the ſame Limitations, as they might have applied any Monies remitted under the ſaid recited Act, and ſhall and may retain the like Commiſſion for their Trouble therein, as they could or might retain for Monies remitted under the ſaid recited Act.

To be remitted to the Truſtees in *London*.

The Exchange ſettled.

IV. **Provided nevertheleſs**, That the ſaid Commiſſioners or Truſtees ſhall not give for the ſaid Bills of Exchange, more than Forty-five per Cent Advance, on the Sterling Sum of the ſaid Bills in Gold, or Thirty-three Pounds Six Shillings and Eight Pence per Cent, in Silver.

Paper Bills not to be received in the Office after the laſt of *April*, 1766.

V. **And be it further Enacted**, That from and after the laſt Day of *April* next, it ſhall not be lawful for the ſaid Commiſſioners or Truſtees, to receive and pay for any of the ſaid Bills of Credit, as they before that Day might and ought to do, but that their Power, Authority and Salary, and the Salary of their Clerk, ſhall then ceaſe and determine; any Thing in this Act, or the ſaid recited Act, to the contrary notwithſtanding.

On ſufficient Proof of Tobacco formerly Loſt on Exportation, the 15*s.* Duty to be refunded.

VI. **And whereas**, it is repreſented to this General Aſſembly, that there have been ſundry Parcels of Tobacco exported before the Twenty-ninth Day of *September*, Seventeen Hundred and Sixty-four, for which the Duty of Fifteen Pence Sterling per Hogſhead was collected and paid under the before recited Act, and which ſaid Tobacco was loſt on the Exportation thereof from this Province, and the like Quantity has not been re-ſhipp'd or exported in the Stead thereof Duty free, as by the ſame Act was allowed to be done; **Be it therefore Enacted**, *by the Authority aforeſaid*, That upon ſufficient Proof being made, to the Satisfaction of the Commiſſioners or Truſtees aforeſaid, on, or before the aforeſaid laſt Day of *April* next, of any ſuch Tobaccoes having been exported, and the ſaid Duty of Fifteen Pence per Hogſhead having been paid thereon, and that the ſaid Tobacco was actually loſt in the Exportation thereof from this Province, and that no other Tobacco had ever been allowed to be exported inſtead thereof, Duty free; it ſhall and may be lawful for the ſaid Commiſſioners or Truſtees, to repay to the Proprietors of the ſaid Tobacco ſo loſt, or whoever ſhall have Power and Right to receive the ſame, to the Amount of the ſaid Fifteen Pence per Hogſhead, in Bills of Exchange, or Caſh to the Value, if Demand is made whilſt they ſhall have any Bills or Caſh in their Hands to pay the ſame, and within the Time aforeſaid, and if they ſhould not have any Bills or Caſh in their Hands when ſuch Demand is made, as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners or Truſtees to give an Order for the ſame, in Current Money on one of the Provincial Treaſurers, at the Exchange or Advance of Thirty-three Pounds Six Shillings and Eight Pence per Cent for the Sterling, and the Treaſurer on whom the ſame is drawn, is hereby obliged and required to pay the Money ſo drawn for, out of the Country's Money in his Hands; any Thing in this Act to the contrary notwithſtanding.

VII. **And whereas**, by the Account returned by *William Murdock*, *Edward Tilghman*, and *Thomas Ringgold*, Eſquires, to this General Aſſembly, of the Diſpoſition

CHAP. XXXIX.

Disposition of the Money return'd by the Commissioners to *New-York*.

Disposition of the Five Hundred Pounds, directed by Ordinance to be paid to them by the Treasurer of the Western Shore, it appears that there is a considerable Balance of that Money to be returned into the Treasury; **Be it therefore Enacted**, That the said *William Murdock*, *Edward Tilghman*, and *Thomas Ringgold*, shall, and are hereby directed and required to pay the said Balance of Money, now in their Hands, to the said Commissioners or Trustees, who are hereby directed to purchase Bills of Exchange therewith, and remit the same as aforesaid for the Use aforesaid; the said Ordinance, or any Thing else to the contrary notwithstanding.

Proviso as to Indorsement.

VIII. **Provided always**, That nothing in this Act contained, shall be construed to oblige the said Commissioners or Trustees, by their necessary Indorsement of such Bills of Exchange, as they may Indorse for the Negotiation thereof, to be answerable to the Public for the said Monies, in case of Protest of such Bills, and Failure of the Drawer or Indorser thereof.

The Proprietor to superintend in *London*.

IX. **And whereas**, it is hoped that the now Right Honourable the Lord Proprietary of this Province, will be pleased to continue in the Trust and Care of super-intending and directing the Conduct and Behaviour of the said Trustees residing in *London*, as he and his Noble Father have heretofore done, under the said recited Act, and which Goodness is most gratefully acknowledged; **Be it Enacted**, That the said now Lord and Proprietary of this Province, shall, and is hereby invested with all the Powers and Authorities over the said Trustees residing in *London*, as to Displacing, and Nominating and Appointing a-new, and all other Matters and Things relative to the Execution of the Trust of the said Trustees residing in *London*, during the Existence thereof under this Act, as the Lord Proprietary was by the said recited Act vested with, over the Trustees residing in *London*, appointed by the said recited Act.

CHAP. XL.

An ACT to enable the Commissioners or Trustees of the Loan-Office, to purchase Stationary Ware necessary for the Use of the Upper and Lower Houses of Assembly.

Commissioners to send for Stationary for the Use of the Province.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Commissioners or Trustees of the Loan-Office, for the Time being, shall, and they are hereby impowered, out of the first Bills of Exchange that shall be in their Hands, belonging to the Public of this Province, to remit to some Merchant in *London*, the Sum of Twenty-five Pounds Sterling, with Orders to lay out the same (deducting Commission and Charges,) in one Record-Book, and such Parchment, Paper, Ink-Powder, and Quills, as the said Commissioners or Trustees shall direct, any Law to the contrary notwithstanding: Which said Stationary-Ware shall be purchased and shipped on the Risque of the Public of this Province, and shall, on its Arrival, be to, and for the Use of the Upper and Lower Houses of Assembly, to be expended in the Public Business.

A LIST of the LAWS Paſſed at the Two laſt Seſſions.

CHAP.

AN Act to continue all ſuch Acts of Aſſembly of this Province, as would expire with this Seſſion of Aſſembly. I.

A Supplementary Act to the Act, entitled, *An Act relating to the Standard of* Engliſh *Weights and Meaſures.* II.

An Act for the further Enlargement of *Baltimore-Town*, in *Baltimore* County. [Private.] III.

A Supplementary Act to the Act, entitled, *An Act aſcertaining what Damages ſhall be allowed upon Proteſted Bills of Exchange.* IV.

An Act to enable the Juſtices of *St. Mary*'s County Court, to aſſeſs and levy on the Taxable Inhabitants of *St. Andrew*'s Pariſh, a Quantity of Tobacco, for building a Church, and for other Purpoſes therein mentioned. V.

An Act to enable the Juſtices of *St. Mary*'s County Court, to aſſeſs and levy on the Taxable Inhabitants of *All Faith*'s Pariſh, a Quantity of Tobacco, and for other Purpoſes therein mentioned. VI.

An Act for the Benefit of the Poor and Encouragement of Induſtry. VII.

An Act for the Building a Veſtry Houſe at *St. Paul*'s Church in *Kent* County. VIII.

An Act to Revive and Aid the Proceedings of *Cæcil* County Court. IX.

An Act to impower *Mary Covington*, Adminiſtratrix of *Philip Covington*, late of *Somerſet* County Deceaſed, to ſell and diſpoſe of the Lands of the ſaid *Philip*, for the Purpoſes therein mentioned. [Private.] X.

An Act to prevent the Miſchiefs ariſing from the Multiplicity of uſeleſs Dogs, and other Purpoſes therein mentioned. XI.

An Act for the Relief of certain languiſhing Priſoners in the ſeveral Jails therein mentioned. XII.

A Supplementary Act to the Act, entitled, *An Act for Limitation of certain Actions for avoiding Suits at Law.* XIII.

An Act to veſt the Title of and in certain Lands, in *John Hammond*, Eſq; and for other Purpoſes therein mentioned. [Private.] XIV.

An Act to eſtabliſh a Road from *Hunting Creek* in *Dorcheſter*, to *Dover*, in *Talbot* County. XV.

An Act continuing an Act, entitled, *An Act for the Relief of ſuch Perſons as cannot find Surety for their Appearance, to teſtify as a Witneſs, againſt any Perſon Arreſted, Accuſed, or Proſecuted for any Criminal Matter.* XVI.

An Act continuing an Act, entitled, *An Act to enable the ſeveral and reſpective County Clerks within this Province, to remove ſome of the County Records and Papers from the Public Offices.* XVII.

An Act continuing an Act, entitled, *An Act for the more effectual Puniſhment of Negroes and other Slaves; and for taking away the Benefit of Clergy, from certain Offenders*; and a Supplementary Act to an Act, entitled, *An Act to prevent the Tumultuous Meeting, and other Irregularities of Negroes, and other Slaves, and directing the Manner of trying Slaves.* XVIII.

An Act continuing an Act, entitled, *A Supplementary Act to an Act, entitled, An Act laying an Impoſition on Negroes, and ſeveral Sorts of Liquors imported, and alſo on* Iriſh *Servants, to prevent the Importing too great a Number of* Iriſh *Papiſts into this Province.* XIX.

An Act continuing an Act, entitled, *An Act to make the Teſtimony of Convicted Perſons legal againſt Convicted Perſons.* XX.

An Act continuing an Act, entitled, *An Act for the more effectual Puniſhment of certain Offenders, and for taking from them the Benefit of Clergy.* XXI.

An Act continuing an Act, entitled, *An Additional and Explanatory Act to the Act, entitled, An Act impowering the Commiſſioners of the County Courts, to levy and raiſe Tobacco, to defray the neceſſary Charges of their Counties and Pariſhes.* XXII.

An Act continuing an Act, entitled, *An Act relating to Guardians and Orphans.* XXIII.

An Act continuing an Act, entitled, *An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running Horſe-Races near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourſe of Negroes and other Slaves during the ſaid Meetings*; and alſo one other Act, entitled, *An Act to amend and explain an Act, entitled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and running Horſe-Races near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourſe of Negroes and other Slaves, during the ſaid Meetings.* XXIV.

An Act continuing an Act, entitled, *An Act to exempt Perſons appearing at Muſters, from Arreſts in Civil Caſes.* XXV.

An Act continuing an Act, entitled, *An Act for Puniſhment of Horſe-Stealers and other Offenders.* XXVI.

An Act continuing an Act, entitled, *An Act for deſtroying Wolves in* Frederick *County.* XXVII.

An Act continuing an Act, entitled, *An Act for repairing the Public Roads in this Province, and the Supplementary Act thereto.* XXVIII.

An Act continuing an Act, entitled, *An Additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves.* XXIX.

A Supplementary Act to the Act, entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.* XXX.

An Act to enable the Viſitors of *Kent* County School, for the Time being, to Leaſe out Part of the Land belonging to the ſaid School. XXXI.

A Supplementary Act to the Act, entitled, *An Act for Building a Church in* St. James's-*Pariſh, in* Anne-Arundel *County.* XXXII.

An Act for erecting a New Pariſh in *Kent* County, called *Cheſter* Pariſh, and for Building a Pariſh Church, and enlarging a Chapel of Eaſe within the ſaid New Pariſh. XXXIII.

An Act to increaſe the Allowance of Jurors attending the Provincial and County Courts, and for other Purpoſes therein mentioned. XXXIV.

An Act to confirm a Leaſe made by *Thomas Harriſon*, of *Baltimore* County, for Part of a Lot of Land therein mentioned, lying in *Baltimore* Town, in ſaid County, to the Commiſſioners of the ſaid Town and their Succeſſors, and to eſtabliſh a Market in the ſaid Town, and for the Regulation of the ſaid Market. XXXV.

An Act for deſtroying of Crows and Squirrels in particular Counties, and of Red Foxes in *Kent* and *Queen-Anne*'s Counties. XXXVI.

An Act for the ſpeedy and effectual Publication of the Laws of this Province, and for the Encouragement of *Jonas Green*, of the City of *Annapolis*, Printer. XXXVII.

An Act for laying out a new, and ſettling, and aſcertaining the future Bounds and Limits of *St. Luke*'s, *Chriſt Church*, and *St. John*'s Pariſhes, in *Queen-Anne*'s County, and of *St. Paul*'s Pariſh, lying partly in *Queen-Anne*'s, and partly in *Talbot* County. XXXVIII.

An Act for limiting the Time for ſinking the Paper Bills of Credit now current in this Province, and other Purpoſes therein mentioned. XXXIX.

An Act to enable the Commiſſioners or Truſtees of the Loan Office to purchaſe Stationary Ware, neceſſary for the Uſe of the Upper and Lower Houſes of Aſſembly. XL.

LAWS
OF
MARYLAND,

ENACTED

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Friday the 9th Day of *May*, in the 16th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 27th Day of *May*, *Anno Domini* 1766.

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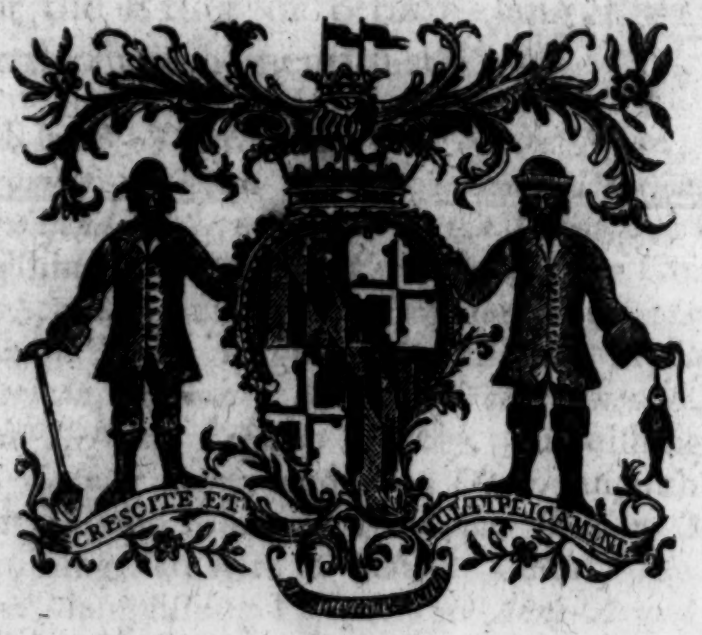

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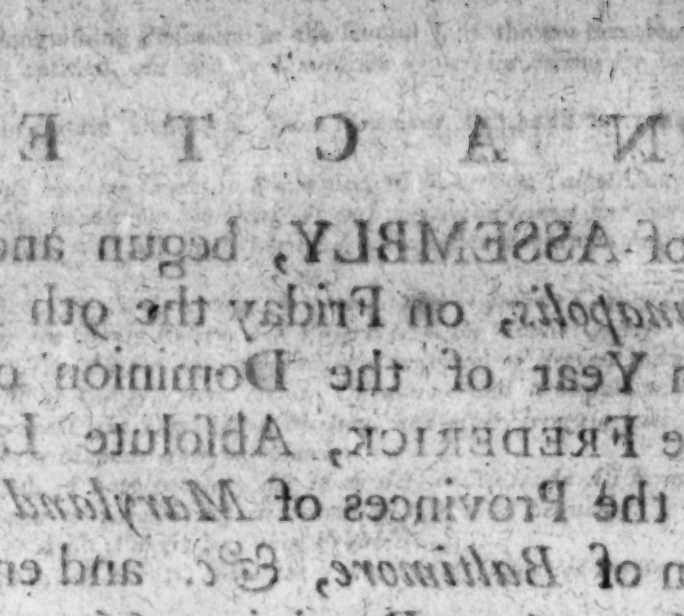

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Friday the 9th Day of *May*, in the 16th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the 27th Day of *May*, *Anno Domini* 1766: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. I.

An ACT continuing an Act, entitled, *An Act to prevent diſabled and ſuperannuated Slaves being ſet Free, or the Manumiſſion of Slaves by any Laſt Will or Teſtament.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly of this Province, entitled, *An Act to prevent diſabled and ſuperannuated Slaves being ſet Free, or the Manumiſſion of Slaves, by any Laſt Will or Teſtament*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Third Day of *June*, One Thouſand Seven Hundred and Fifty-two, be, and is hereby continued, and ſhall remain and be in full Force, for, and during the Term of Twenty Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Twenty Years.

The Act of 1752, *ch.* 1, continued 20 Years, &c.

CHAP. II.

An ACT to veſt the Title of and in a certain Lot or Parcel of Land in *John Jeremiah Myer*. [*A Private Act.*]

CHAP. III.

An ACT for the Relief of certain languiſhing Priſoners, in the ſeveral Goals therein mentioned.

WHEREAS *Jonathan Hudſon*, *John Meadrs*, *Philip Rain*, *Littleton Brumbly*, *William Truitt*, *Thomas Pearſon*, *Savory Wing*, *Elias Townſend*, *Robert Nelſon*, *Levin Laramore*, *Charles Moore*, *Edward Wooden*, languiſhing Priſoners in *Worceſter* County Goal; *Stephen Tare*, *John Vain*, *Ignatius Spalding*, languiſhing Priſoners in *Charles* County Goal; *George Matthews*, *James Ager*, languiſhing Priſoners in *Baltimore* County Goal; *Michael M'Dorman*, *Edward Bennett*, *John Knowles*, *Joſeph Holder*, *Peter Magee*, *Neomie Kelſick*, *Priſcilla Barkley*, languiſhing Priſoners in *Somerſet* County Goal; *Lockyer Long*, and *John Deale*, languiſhing Priſoners in *Prince-George's* County Goal; *Richard Freeman*, *William Morgan*, *Thomas Hicks Newton*, languiſhing Priſoners in *Calvert* County Goal; *Nathan Joyce*, and *Shepherd Grimes*, languiſhing Priſoners in *Anne-Arundel* County Goal; *John Berry*, languiſhing Priſoner in *Frederick* County Goal; by their Petitions to this preſent General Aſſembly, have ſet forth, That they have reſpectively continued Priſoners for Debt, in the Cuſtody of the Sheriffs of the reſpective Counties aforeſaid, for a conſiderable Time paſt, and ſtill continue in like deplorable Circumſtances, not being able to redeem their Bodies with all the Eſtate or Intereſt they have in the World, which they would readily ſurrender

Preamble, with the Names of the Priſoners relieved by this Act.

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up and part with to their ſeveral and reſpective Creditors, if they would accept of the ſame, and grant the ſaid Petitioners their Liberty, which ſeems ſo unlikely for them to obtain, that (unleſs reliev'd by a particular Act to be paſs'd in their Favour, which by their ſaid Petitions they have humbly prayed) they muſt inevitably continue Priſoners for Life; and as the Allegations of the ſaid Petitioners appear to this General Aſſembly to be true, and that their lying in Goal can be of no Advantage to their Creditors, it is humbly prayed that the ſaid Petitioners may be relieved according to their Prayer, and that it may be Enacted;

Priſoners to be diſcharged on delivering up their Effects, on Oath.

II. **And be it Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in caſe the ſaid Priſoners ſhall deliver up and ſurrender, or cauſe to be delivered up and ſurrendered to the Sheriffs of the reſpective Counties aforeſaid, in the Preſence of Two Juſtices of the Peace of the Counties aforeſaid, whom the ſaid Sheriffs are hereby required to ſummon, at the Requeſt of the ſaid Priſoners, at ſome convenient Time after the Receipt of this Act, not exceeding Five Days, all their Real and Perſonal Eſtate, either in Poſſeſſion, Reverſion, Remainder, or in Truſt, or in or unto which they have any Claim or Intereſt whatſoever, and likewiſe before the Day before-mentioned, convey, aſſign, transfer, and make over unto the Sheriffs, reſpectively, for the Uſe of the ſaid Creditors, all ſuch their Eſtate, Intereſt, or Claim as aforeſaid, after ſuch Manner, as by the ſaid Sheriffs, and by the major Part of ſuch Creditors, or ſuch of them as ſhall think fit to direct therein, or their Council Learned in the Law, ſhall reaſonably deviſe or require, at the Coſts and Charges of the Perſons who ſhall claim Benefit thereof, ſo that the ſaid Priſoners be not burthened with any Warrantees thereby, other than againſt themſelves, or thoſe claiming by, from, or under them, and that the ſaid Priſoners, at the Time of ſuch their Surrender, and transferring their Eſtate as aforeſaid, ſhall take their ſolemn Oaths (or Affirmation if Quakers) before the ſaid Two Juſtices aforeſaid, to the Effect following, *viz.* "*I* A. B. *do Affirm, or ſolemnly Swear, That the Goods, Debts and Effects, which I have delivered, aſſigned, and made over to the Sheriff of* ——— *County, and in Truſt for the Uſe of my Creditors, is the whole Eſtate both Real and Perſonal of my own in Poſſeſſion, or that I have any Title to in the World, and that I have not any Eſtate, Goods, or Effects of any Kind whatſoever, left either in Poſſeſſion, Reverſion, or Remainder, (the neceſſary Wearing Apparel of myſelf, Wife, and Children, and Working Tools, excepted;) and that I have not, directly, or indirectly, ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted, all, or any Part of my Eſtate, thereby to defraud my Creditors, or to ſecure the ſame, to receive or expect any Profit or Advantage thereof.* So help me GOD:" It ſhall and may be lawful for the Sheriffs of the Counties aforeſaid, after the End of the ſaid Five Days, and they are hereby required to diſcharge the ſaid Priſoners, and ſuffer them to go at large.

The Oath.

To be diſcharged from future Arreſts on Appearance, &c.

III. **And be it further Enacted,** That if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs ſued out on any Judgment or Decree obtained againſt any of them, for any Debt, Damages or Coſts, contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court out of which ſuch Proceſs iſſued, ſhall and may diſcharge ſuch Priſoner, on Motion. And if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs, for the Recovery of any Debt, Damages, or Coſts, contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court or Juſtice before whom ſuch Proceſs ſhall be returned, ſhall and may diſcharge the Party arreſted, out of Cuſtody, on his or her common Appearance being entered, without any ſpecial Bail. *Provided,* That the Diſcharge of the ſaid Priſoners, or any of them, ſhall not acquit any other

other Person from such Debt, Damage or Cost, or any Part thereof; but that all such Persons shall be answerable for the same, in such Manner as they were before the passing this Act. CHAP. III.

IV. **Provided always, and be it Enacted**, *by the Authority aforesaid*, That notwithstanding the Discharge of the said Prisoners, or any of them, all and every Debt or Debts, due and owing from him, her, or them, and all and every Judgment had, or Decree obtained, against him, her, or them, shall stand and be good and effectual in Law, to all Intents and Purposes, against the Lands, Tenements and Hereditaments, Goods and Chattels, of him, her, or them, and which he, she, or they, or any other Person in Trust for the Use of him, her, or them, had at the Time of the Discharge of the said Prisoners, or any of them, or which he, she, or they, at any Time hereafter, shall or may be any Way seized or possessed of, or interested in, to his, her, or their own Use, or in his, her, or their own proper Right, either in Law or Equity, (except the Wearing Apparel, Bedding, and Working Tools of him, her, or them, not exceeding the Sum of Ten Pounds Current Money,) and it shall and may be lawful for any of their Creditors, their Executors, Administrators or Assigns, to take out new Execution, or Executions, without any *Scire facias* previous thereto, against the Lands, Tenements, or other Hereditaments, Goods and Chattels of the said Prisoners, or any of them, (except as before excepted) for the Satisfaction of his, her, or their Debts, in such sort, manner, and form, as he, she, or they, might have done, if the said Prisoners, or any of them, had not been taken in Execution, or discharged by virtue of this Act. Debts to stand good in Case, &c.

V. **And be it further Enacted**, *by the Authority aforesaid*, That if any Action of Escape be brought against any Sheriff, or any Suit or Action against any Justice or Justices, for their performing their Duty in pursuance of this Act, he or they may plead the general Issue, and give this Act, and the special Matter in Evidence; and, if the Plaintiff be Nonsuit, or Discontinue his Action, or Verdict pass against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Costs. Actions of Escape.

VI. **Provided also**, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor or Creditors of the before-mentioned Prisoners, from having and maintaining an Action of Escape against any Sheriff, who hath permitted any Escape before the making this Act. Proviso, as to Escape.

VII. **Provided nevertheless**, That in case any of the said Prisoners shall, at any Time after making such Oath or Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenor of such Oath, or Affirmation, as aforesaid, that then the said Prisoner, shall, upon such Conviction as aforesaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and shall, from thenceforth, be liable to be Prosecuted for any Debt or Demands whatsoever, in the same Manner as if this Act had never been made; any Thing to the contrary notwithstanding. In case of Perjury.

VIII. **Provided also**, That the respective Sheriffs of the Counties aforesaid, shall be first paid and satisfied their Imprisonment Fees, before any Creditor or Creditors shall have or receive any Share or Part of the Estates of the said Prisoners, respectively, or of the Produce thereof. Sheriffs Fees to be first paid.

IX. **And be it further Enacted**, That after Public Notice given, by Advertisements set up at the Court-house Door of the County, Thirty Days at the least, of the Sale of any of the said Prisoners Lands, and Five Days at the least, of the Sale of any of the said Prisoners other Estate, the said Sheriffs Notice to be given of the Sale of the Prisoners Estates, &c.

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riffs to whom any of the ſaid Eſtates, Real or Perſonal, ſhall be ſurrendered and delivered up in purſuance of this Act, ſhall ſet up and expoſe ſuch Eſtates to Sale, by Way of Public Vendue, in the Preſence of One Juſtice of the Peace, and the Produce ariſing by ſuch Sale, ſhall be, by the ſaid Sheriffs, in Manner following, paid and ſatisfied, (that is to ſay) after Satisfaction of the aforeſaid Impriſonment Fees, that the Eſtate and Intereſt of the aforeſaid Priſoners reſpectively, upon which their Judgment Creditors, or any claiming, or that ſhall claim under them, by Aſſignment or otherwiſe, have, or ſhall have any Lien, or the Produce thereof, ſhall be in the firſt Place, after Satisfaction of the Sheriffs as aforeſaid, applied to the Diſcharge of the ſaid Creditors, according to the Order and Priority of their Judgments, and the Lien ariſing therefrom; and that the Reſidue of the Eſtate, and Intereſt of the ſaid Priſoners, reſpectively, or the Produce thereof, ſhall be diſtributed among all their Creditors that ſhall apply therefor, within Thirty Days after the aforeſaid Sale, in equal Proportion to their Demands.

Bonds, &c. belonging to the Priſoners to be aſſigned to the Sheriff.

X. **And be it further Enacted**, That all the Accounts, Bonds, Notes, and other Demands, which any of the ſaid Priſoners have againſt any Perſon or Perſons whatſoever, ſhall be by the ſaid Priſoner or Priſoners aſſigned to the Sheriff, in whoſe Cuſtody ſuch Priſoner or Priſoners ſhall be at the Time of their Diſcharge, and that ſuch Sheriff or Sheriffs, ſhall and may maintain an Action or Actions on ſuch Demands, as Aſſignee of ſuch Priſoner or Priſoners, in his own Name. *Provided always*, That ſuch Creditor or Creditors, require and demand ſuch Sheriff to ſue, and give to ſuch Sheriff a Bond to indemnify him againſt any Charge that may accrue to him by Means of any ſuch Suit; and, in caſe of Recovery, that then the Sheriff make Diſtribution of what ſhall be recovered, to the Perſon or Perſons giving him ſuch Security as aforeſaid.

Priſoners, if Single, to be ſold for Five Years

XI. **And be it Enacted**, *by the Authority aforeſaid*, That if any of the Perſons intended to be relieved by this Act, are, and ſhall be of ſufficient Ability of Body to Labour, ſuch Perſon or Perſons, not having a Wife or Family, ſhall be, and are hereby obliged to ſerve for a Time, not exceeding Five Years, to any Perſon or Perſons, who are, or ſhall be inclined to purchaſe the Time or Servitude of ſuch Debtor or Debtors; and that the reſpective Sheriffs, in whoſe Cuſtody the aforeſaid Debtors, or any of them are, be, and are hereby authorized and obliged, to ſummon Two Juſtices of the Peace in the reſpective Counties, at the Requeſt of the ſaid Perſons, as ſoon as conveniently may be after the Receipt of this Act, and after giving Five Days Notice at the Court-Houſes of the reſpective Counties, of the intended Sale of ſuch Debtor or Debtors, expoſe to Sale in the Preſence of the ſaid Juſtices, ſuch Debtor or Debtors, and the Time of his or their Servitude, to the higheſt Bidder; and the Money ariſing from ſuch Sale, ſhall be as Effects of ſuch Debtor or Debtors, in the Hands of the reſpective Sheriffs, ſubject as aforeſaid, to a Diſtribution in Manner aforeſaid; and the Sale and Service of ſuch Debtor or Debtors as aforeſaid, is hereby directed to be taken as a full and ſufficient Acquittal and Diſcharge againſt all Debts due from ſuch Debtor or Debtors, before ſuch Sale: Provided, That in caſe it ſhall appear to the Satisfaction of the ſaid Juſtices, that any of the ſaid Debtors have offered, ſince their Confinement, to make Satisfaction to their Creditors by Servitude, and that their Creditors have refuſed to accept the ſame, that the Time ſuch Debtors have been confined in Priſon, ſhall be deemed and taken as Part of the aforeſaid Five Years, and that they ſhall be obliged to ſerve only for ſuch Time as will compleat Five Years from the Day of their Commitment to Priſon: And that in caſe any ſuch ſingle Perſons as aforeſaid, have been confined in Priſon for Five Years, or any longer Time, that the ſaid Perſons, ſo confined, ſhall be diſcharged upon the ſame Terms, and in the ſame Manner, that Perſons having Families, are by this Act directed to be diſcharged.

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CHAP. IV.

An ACT directing a Copy of the Last Will and Testament of Brigadier General *Bouquet*, to be Recorded in the Prerogative-Office of this Province, and for other Purposes therein mentioned. [*A Private Act.*]

CHAP. V.

An ACT for Trial of all Matters of Fact, in the several Counties where they have arisen, or shall arise.

Preamble.

WHEREAS the Trial of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes, and Estates of the Subjects, most agreeable to the *British* Constitution, and a very great Ease to all Persons concerned; and that the Increase of Business in the Provincial Court, renders the Decision of Causes there, without very great Delay and Expence, impracticable:

Two Provincial Justices, on each Side of the Bay, to hear and determine all Matters of Fact, &c. in the several Counties.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That any Two Justices of the Provincial Court (such as the Governor or Commander in Chief for the Time being shall think fit to appoint) shall be Justices of Assize, *Nisi Prius*, and Justices of *Oyer and Terminer* and Goal Delivery, on each Side of the Bay; and that the said Two Justices, or One of them, in case of Sickness, or other Inability of the other, shall and may, at the respective Times in this Act mentioned, hear and try all Matters of Fact, in all Actions real, personal, and mixt, and all Actions popular, for the Breach of any Law now depending, or that shall be commenced in the Provincial Court, in the several Counties where the Facts have arisen, or shall arise, except in such Causes where it shall appear that Justice cannot, in all probability, be so equally administered to the Parties, as if Trial should be appointed in some other Place, as fully and amply as any Justices of Assize and *Nisi Prius* in *England* used, or by Law ought, or may try, hear, and determine; and that all Treasons, Murders, Felonies, and other Crimes, Offences, and Misdemeanours, of what Nature or Quality soever, that have been, or by Law might be tried in the Provincial Court, shall be heard, tried, and determined, by the said Justices, in the several Counties where they shall be committed, as fully and amply as the said Offences, or any of them, might have been tried, heard, and determined, by the Provincial Court, or any Court of *Oyer and Terminer* and Goal Delivery, according to the Laws of *England*, and this Province.

Jurisdiction of the County Courts.

III. **Provided always**, That nothing in this Act shall be construed to divest the County Courts of any Jurisdiction they have, and that they may hear and determine all Matters and Things within their Cognizance, as they have heretofore done; any Thing in this Act to the contrary notwithstanding.

Times and Places, when and where the Assizes are to be held.

IV. **And be it Enacted**, That Two of the Provincial Justices, to be appointed as aforesaid, to serve on the Western Shore, or One of them, in case of the other's Sickness or Inability, shall yearly meet and hold their Courts at *Baltimore* County Court-House, on the First Tuesdays of *April* and *September*; at *Annapolis*, for *Anne-Arundel* County, the Mondays after the said First Tuesdays; at *Calvert* County Court-House, the Mondays after the Second Tuesdays of the said Months; at *St. Mary*'s County Court-House, the Thursdays after the Third Tuesdays in the said Months; at *Charles* County Court-House, the Mondays after the Third Tuesdays in the said Months; at *Prince-George*'s County Court-House, the Thursdays after the Fourth Tuesdays in the said Months; and, at *Frederick* County Court-House, the Wednesdays

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neſdays following. And that Two of the Provincial Juſtices, to be appointed as aforeſaid, to ſerve on the Eaſtern Shore, or One of them, in caſe the other ſhould be ſick, or incapable to attend, ſhall meet and hold their Courts at *Worceſter* County Court-Houſe, on the Thurſdays before the firſt Tueſdays in the Months of *April* and *September* yearly; at *Somerſet* County Court-Houſe, on the Firſt Tueſdays of the ſaid Months yearly; at *Dorcheſter* County Court-Houſe, the Firſt Mondays after; at *Talbot* County Court-Houſe, the Thurſdays after the Second Tueſdays; at *Queen-Anne's* County Court-Houſe, the Wedneſdays after the Third Tueſdays; at *Kent* County Court-Houſe, the Mondays after the Third Tueſdays in the ſame Months; and at *Cæcil* County Court-Houſe, the Fridays following; to hear, determine, and diſpatch ſuch Buſineſs as ſhall be before them.

Declarations to be filed in Thirty Days after Appearance Court.

V. And be it further Enacted, That in all Actions now depending in the Provincial Court, where the General Iſſue, or other Plea, tending to an Iſſue on the Country, is pleaded, the Iſſues ſhall be made up and compleated by the Firſt Day of *Auguſt* next; and that all Declarations in Actions to be commenced in the Provincial Court, ſhall be filed with the Clerk within Thirty Days after every Appearance Court, and the Iſſue made up where the General Iſſue, or other Plea tending to an Iſſue on the Country ſhall be pleaded, ſhall be made up within Thirty Days after the filing the Declaration; but where ſpecial Pleadings are neceſſary, the Court, upon Motion, may grant ſuch Time as may be thought reaſonable; and that the Plaintiff, in every Cauſe to be tried before the ſaid Juſtices, ſhall give the Defendant, or his Attorney, Notice in Writing, Fourteen Days before the Firſt Tueſdays in *April* and *September*, yearly, of his Intention to inſiſt on a Trial, and that if after ſuch Notice given, the Cauſes ſhall be delayed until another Aſſizes, the Party cauſing ſuch Delay, ſhall pay all the Coſt and Charge that ſhall be occaſioned thereby.

Grand and Petit Juries to be ſummoned Ten Days before the Aſſizes begin.

VI. And be it Enacted, That the ſeveral Sheriffs ſhall Summons Fifty of the moſt capable and ſubſtantial Freeholders within their Bailiwicks, Ten Days before the Aſſizes ſhall begin in the reſpective Counties, as Grand and Petit Jurors; and that every Freeholder that ſhall be ſo ſummoned, and ſhall neglect or refuſe to appear, ſhall incur the ſame Penalties and Forfeitures as Jurors ſummoned to attend the Provincial Court are liable to, rating Tobacco at Ten Shillings per Hundred; and that no Perſon that is not incapable or diſqualified by Law to ſerve as a Juror ſhall have any Exemption, except Councillors, Practiſing Attornies, Delegates, Provincial Juſtices, Clergymen, and Practiſing Phyſicians or Surgeons; nor ſhall Grand Jurors be exempt from ſerving as Petit Jurors in Civil Caſes at the ſame Aſſizes of *Oyer and Terminer* and Goal Delivery they are returned to ſerve in; and every Grand and Petit Juror ſhall have an Allowance of Twenty-four Pounds of Tobacco for every Day's Attendance, to be aſſeſſed in the County Levy, as uſual, beſides the full Fees for Verdicts in Civil Caſes to the Petit Jurors.

Manner of chuſing the Grand jurors.

VII. And to prevent Partiality by Grand Jurors, Be it Enacted, That the Name of every Perſon ſummoned as a Juror, ſhall be written in ſeveral diſtinct Pieces of Paper, being as near as may be, of equal Size and Bigneſs, and ſhall be delivered to the Clerk of Aſſize, or ſuch other Perſon as the ſaid Juſtices ſhall appoint, and by the Care of the Clerk, or ſuch Perſon as ſhall be appointed as aforeſaid, all rolled up, as near as may be, in the ſame Manner, and to be put into a Glaſs or Box to be provided for that Purpoſe, and that the ſaid Juſtices, in open Court, ſhall direct to be drawn by ſome indifferent Perſon out of the ſaid Glaſs or Box, a ſufficient Number for a Grand Jury, and that ſuch Perſons as ſhall be drawn, and then appear, ſhall be Grand Jurymen, and none others.

VIII. Provided,

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VIII. Provided, That in case any of the County Magistrates, or their Clerk, should be drawn, they shall not be of the Grand Jury, but that others shall be drawn in the Place of any Magistrate, or County Clerk, that should happen to be drawn.

Magistrates not to be Grand jurors.

IX. And to prevent Partiality in Trials by Jurors, Be it Enacted, That the Name of each and every Person, who shall be summoned and impannelled as a Petit Juror, shall be written in several distinct Pieces of Paper, being, as near as may be, of equal Size and Bigness, and shall be delivered to the Clerk of Assize, or such other Person as the said Justices shall appoint, and by the Care of the Clerk, or such Person as shall be appointed as aforesaid, be all rolled up, as near as may be, in the same Manner, and put into a Glass or Box, to be provided for that Purpose; and when any Cause shall be brought on to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out Twelve of the said Papers, one after another, and if any of the Persons whose Names shall be so drawn, shall not appear, or be challenged and set aside, then such further Number, until the Twelve Persons shall be drawn, who shall appear, and after all Causes of Challenge shall be allowed, as fair and indifferent, and the said Twelve Persons so drawn, and appearing, and approved as indifferent, their Names being marked in the Pannel, and they being Sworn, shall be the Jury to try the same Cause; and the Names of the Persons so named, and drawn, and sworn, shall be kept in some other Glass or Box, to be kept for that Purpose, 'till such Jury shall have given in their Verdict, and the same is recorded, or until such Jury shall, by Consent of Parties, or Leave of the Court, be discharged; and then their Names shall be rolled up again, and returned to their former Box or Glass, there to be kept with the other Names remaining at that Time undrawn, and so as often and as long as any Cause shall remain there to be tried. *Provided always*, That if any Cause shall be brought to Trial, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order Twelve of the Residue of the said Papers, not containing the Names of any of the Jurors who shall not have brought in their Verdict, or be discharged, to be drawn in such Manner as is aforesaid, for the Trial of the Cause which shall be so brought on to be tried.

Manner of chusing the Petit Jury.

X. And to the End that the Sheriffs may be obliged to discharge their Duty in returning the best and most capable Freeholders to be Jurymen, Be it Enacted, That every Sheriff who shall neglect to return the best and most capable Freeholders for Grand and Petit Jurymen, except as before excepted, shall for every such Neglect be fined by the Justices of Assize at their Discretion, not exceeding Twenty-five Pounds Current Money of *Maryland*, to be applied to defray the County Charge.

Sheriffs to be fined for neglecting to return proper Persons for Jurors.

XI. And be it Enacted, That each Justice of Assize shall be allowed by the Public Seven Thousand Pounds of Tobacco, to be paid in the Counties respectively where they reside, for every Circuit, and no more.

Judges Allowance.

XII. And be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines and Penalties upon such as shall transgress them. *Provided always*, That such Rules shall be agreeable to the Laws of *England*, and this Province; and that all Sheriffs, Bailiffs, and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants and Precepts, that shall be issued by, or returnable to the said Justices.

Justices impowered to make Rules and Orders.

XIII. And

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Special Verdicts.

XIII. And be it Enacted, *by the Authority, Advice and Consent aforesaid*, That the Justices of Assize, *Nisi Prius*, and Goal Delivery, shall, in all Civil Cases to be tried before them, where any Person concerned shall desire the same, allow and direct Special Verdicts to be found.

Bills of Exception allowable.

XIV. And be it further Enacted, That the said Justices shall, in all Criminal Cases to be tried before them, where any Person or Persons accused or prosecuted shall desire the same, sign and allow Bills of Exception, and that in all Cases where Bills of Exception are allowed, no Judgment shall be rendered until the next Provincial Court, to the Consideration of which Court it is to be referred, any Law, Usage, or Custom to the contrary notwithstanding.

Where the Justices are doubtful, Judgment to be referr'd to the Provincial Court.

XV. And be it further Enacted, That where any General Verdict shall be found in any Criminal Case against any Person before the said Justices, wherein the Judgment is not certainly known and settled by Law, or wherein the said Justices, or either of them, shall be in any Doubt or under any Difficulty what Judgment to give upon such Verdict, that then, and in such Case, no Judgment shall be given, but that the Judgment be referred to be given on such Verdict to the Consideration of the Provincial Court, who shall and may give Judgment.

Matters determinable in the County Courts, to be tried in the County Courts.

XVI. And to the End that the Justices of Assize, *Nisi Prius*, *Oyer and Terminer* and Goal Delivery, may not be hindered from proceeding in the Decision of Matters not determinable elsewhere, (which the Time allowed by Law for their Session, is hardly sufficient to dispatch) in hearing Petty Offences triable in the County Courts; Be it Enacted, That all Felonies, Trespasses, and other evil Deeds, triable in the County Courts by the Laws now in being, shall be tried, heard, and determined by the County Courts, and not elsewhere, except Affrays, and other Offences, to be committed in the View of the Justices of *Oyer and Terminer*, or during their Sitting. Provided always, and be it Enacted *by the Authority aforesaid*, That it shall and may be lawful for the Justices of the Provincial Court for the expediting the Causes to be tried before them, to order the Sheriff of *Anne-Arundel* County immediately to summon a compleat and sufficient Number of good and lawful Men, *de Circumstantibus*, and not less than Twenty-four in Number, to serve as Jurors, and return a Pannel of them for the Trial of any Issue so to be had and tried before the said Justices of the Provincial Court, and that they shall be Ballotted in the same Manner that Petit Jurors are before by this Act directed to be at the Assizes, and that the first Twelve Jurors that shall be drawn, shall be the Jury to try the Cause, unless some legal Exception, by either Plaintiff or Defendant, be made against any of the said Twelve Jurors, in which Case others in their Room shall be in like Manner drawn, in the Stead of those to whom legal Exception shall be made. *Provided*, That where any Presentment shall be found by the Grand Jury, at any Court of *Oyer and Terminer*, for a Matter triable by the County Court, and that shall by the Justices of *Oyer and Terminer*, be referred to the County Courts for Trial, the Party Presented shall not be obliged to pay any Fees or Charges, except what shall arise in the Prosecution in the County Court, any Law, Usage, or Custom to the contrary, notwithstanding. Saving to all Persons accused before the Justices of the County Courts, the Benefit of Writs of Removals to, and Trials in the Provincial Courts, or before the Justices of *Oyer and Terminer* and Goal Delivery.

Sheriff of *Anne-Arundel* County to return 24 Persons, out of whom is to be impannelled a Jury.

XVII. And whereas, by an Act for the Advancement of Justice, it is Provided and Enacted, That in all Actions to be commenced in the Provincial Court for the Recovery of any certain Sum of Money or Tobacco, within the Jurisdiction of that Court, wherein the Plaintiff shall be desirous of a speedy

speedy Trial, that if the Plaintiff ſhould ſend a Copy of the Declaration in the Caſe with the Writ, and cauſe the ſame to be ſerved on, or delivered to the Defendant, or left at his or her laſt Place of Abode, Twenty Days at the leaſt before the Appearance Court, it ſhould be lawful for the Juſtices of the ſaid Court, and they are by that Act required to proceed to Trial the ſame Court; and if the Defendant ſhould refuſe or neglect to anſwer or plead, to render Judgment for the Plaintiff, with Coſt of Suit, unleſs ſufficient Cauſe ſhould be ſhewed by the Defendant why there ſhould be an Imparlance; and that as Jurors are not ſummoned to the Provincial Courts, but the Facts tried in the ſeveral Counties where they have ariſen, or ſhall ariſe, ſo that when the Defendant pleads any Matter of Fact triable by a Jury, the Iſſue cannot be tried at the Appearance Court; **Be it therefore Enacted and Declared**, That where Copies of Declarations are ſerved, or left according to the Directions of this Act, and no ſufficient Cauſe ſhewn for an Imparlance, and that the Defendant ſhould Plead a Matter of Fact which is required to be done at the Appearance Court, that then, and in ſuch Caſe, the Fact ſhall be tried at the firſt Aſſizes that ſhall happen after the Appearance Court, in the County where the Fact hath ariſen, or ſhall ariſe, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

CHAP. V.

Where the Cauſe is to be tried when no Occaſion appears for an Imparlance.

XVIII. **And whereas**, Juſtice may be delayed, or People loſe their Rights for want of the Teſtimony of Witneſſes who may happen to be ſo ſick or impotent, as to be unable perſonally to attend the Trial of Cauſes, to give their Evidence *vivâ Voce*, without apparent Hazard of their Lives or Healths; **Be it therefore Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That where any Witneſs ſhall be ſummoned by any Plaintiff or Defendant, and ſhall be really ſo impotent, ſick, or infirm, that he or ſhe ſhall be unable to attend according to ſuch Summons, without the apparent Hazard of the Life or Health of ſuch Witneſs (to be made appear to the Satisfaction of the Court) that then, and in every ſuch Caſe, the Party ſummoning ſuch Witneſs may have the Affidavit, on Oath, or Affirmation if the Witneſs be a Quaker, of ſuch ſick or impotent Witneſs, taken before any Magiſtrate, not being of Kin to the Parties, and that any Affidavit, ſo taken, (the adverſe Party always having timely Notice, and Opportunity to croſs-examine ſuch Witneſs) ſhall be received as Evidence on the Trial of the Cauſe wherein ſuch Witneſs ſhall be ſummoned, as if the Witneſs was preſent, and ſhould deliver his or their Teſtimony *vivâ Voce*, any Law, Cuſtom, or Uſage, to the contrary, notwithſtanding. *Provided always*, That if any ſuch Witneſs ſhall wilfully and corruptly Swear or Affirm falſely, that then, and in every ſuch Caſe, he or ſhe ſhall be liable to the ſame Proſecution, Penalty, and Forfeiture, as Perſons guilty of, or committing Corrupt and Wilful Perjury, are liable to.

Affidavit of Witneſſes unable to attend the Aſſizes, as valid as if the Depoſition of ſuch Witneſs was perſonally given in Court.

XIX. **And be it further Enacted**, That the Provincial Courts ſhall be held during the Continuance of this Act, on the Third Tueſdays in *May* and *October*, yearly, at the City of *Annapolis*.

Time of Provincial Courts.

XX. **And be it further Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That that Part of an Act of Aſſembly, entitled, *An Act cauſing Grand and Petit Jurors to come to the Provincial and County Courts, and aſcertaining their Allowances*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Twenty-ſixth Day of *April*, *Anno Domini* Seventeen Hundred and Fifteen, which relates to ſummoning Grand and Petit Jurors to attend the Provincial Courts, be, and is hereby repealed and made void.

Part of an Act repealed.

XXI. **And be it further Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That the Secretary for the Time being, ſhall cauſe every Record that ſhall be ordered by any Attorney of the Provincial Court to be made out for

Duty of the Secretary in Regard to Records.

CHAP. V.

for the Trial of any Iſſues at the Aſſizes, to be tranſmitted to the Clerk of Aſſize of the Circuit where the Iſſue is to be tried, (who, by this Act is obliged to receive and carry the ſame to the Circuit) before the Aſſizes for that Shore where the Iſſue is to be tried, begins, under the Penalty of paying to the Party that ſuffers for want of the Record being tranſmitted, ſuch Coſts and Damages as ſhall by the Juſtices of his Lordſhip's Provincial Court, judicially ſitting, be ordered and adjudged; which ſaid Juſtices are hereby, upon Complaint made to them, required, after a ſummary Manner, to proceed to Judgment thereon.

Proviſo.

XXII. **Provided always**, That the Secretary ſhall not be obliged to anſwer any Damages or Coſt to any Perſon by virtue of this Act, unleſs Orders in Writing for tranſmitting the Record, as aforeſaid, be left with the Clerk of the Provincial Court at leaſt Thirty Days before the Beginning of the Aſſizes on the Shore where the Iſſue is to be tried.

Allowance to Judges, &c. may be paid in Money.

XXIII. **And be it likewiſe Enacted**, That the ſeveral Allowances herein before-mentioned to be made to the Judges and Jurors in Tobacco, ſhall and may be paid by the Inhabitants of this Province, in Current Money, in the ſame Manner as other Public and County Levies and Charges are payable.

The Adjourn'd Provincial Court to meet on the 21st of *July*.

XXIV. **Provided always, and be it Enacted**, That the ſaid Provincial Court ſhall and may meet according to the Adjournment thereof, on the Twenty-firſt Day of *July* next, and ſhall and may then adjourn from Day to Day, and proceed in all Buſineſs, Civil and Criminal, depending in the ſaid Court; and all Officers, Jurors, and other Perſons, who are obliged to attend the ſaid Adjourn'd Provincial Court, ſhall be then obliged to attend the ſame, in like Manner, and under the ſame Penalties, as if this Act had not been made, any Thing herein contained to the contrary notwithſtanding.

Writs, &c. returnable, to be return'd in *October*.

XXV. **And be it further Enacted**, That all Actions now depending in the Adjourn'd Provincial Court, of what Nature ſoever, that ſhall not be ended and determined before the End of the ſaid Court, ſhall be, and are by this Act continued until the Third Tueſday in *October* next, and that all Writs, Proceſs, and Precepts, already iſſued, or to be iſſued out of the Provincial Court, returnable to the Second Tueſday of *September*, ſhall be returnable to the ſaid Third Tueſday in *October*; and that all Sheriffs, Coroners, and other Officers, that have arreſted, or ſhall arreſt any Perſon or Perſons, by virtue of any Writ or Proceſs, returnable to the Second Tueſday of *September*, ſhall be under the ſame Obligation to have the Party arreſted at *Annapolis*, the Third Tueſday in *October*; and that all Bail-Bonds taken by any Sheriff or Coroner, for the Appearance of any Perſon or Perſons, at the Second Tueſday in *September* next, ſhall be taken, to all Intents, Conſtructions, and Purpoſes whatever, and be of the ſame Force and Effect, as if the ſaid Bail-Bonds had been, or ſhall be taken for the Appearance of ſuch Perſon or Perſons, at the ſaid Third Tueſday in *October* next; any Thing to the contrary hereof notwithſtanding.

Witneſſes bound over ſince laſt Provincial Court.

XXVI. **And whereas**, ſince the Commencement of *April* Term aforeſaid, ſundry Perſons have been committed for Crimes and Miſdemeanours by them done, and Witneſſes have been bound over to teſtify againſt ſuch Perſons at next Provincial Court; **Be it therefore Enacted**, That all ſuch Commitments and Recognizances returnable before the ſaid Provincial Court, ſhall be obliged to be returned by the reſpective Magiſtrates taking ſuch Recognizances before the Judges of Aſſize in the reſpective Counties where the Offences have been committed, and the Offenders and Witneſſes be obliged to appear by virtue of ſaid Recognizances accordingly.

Continuance.

XXVII. This Act to continue for Three Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Three Years.

CHAP.

CHAP. VI.

A Supplementary ACT to the Act, entitled, *An Act for the speedy Trial of Criminals, and ascertaining their Punishment in the County Courts, when prosecuted there, and for Payment of Fees due from Criminal Persons.*

Fees for Slaves to be paid by the respective Counties.

FOR preventing all Doubts for the future, BE IT ENACTED, AND DECLARED, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That all legal Fees which have arisen, and are not already otherwise paid and allowed, or which shall hereafter arise on the Prosecution of any Negro, or other Slave, in any County Court, whether such Slave be convicted or acquitted, shall be chargeable to, and paid by the respective County where such Prosecution shall be had, and assessed in the County Levy of such County.

CHAP. VII.

An ACT for Reviving and Continuing of Actions and Process in several of the Courts of Law within this Province.

Actions, Suits Process, &c. heretofore depending, Revived and Continued.

BE IT ENACTED, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That all and every Action, Suit, Process, and Proceeding, which were depending in the High Court of Appeals, held the Third Tuesday of *February* last, or which were depending on the Trial, Continuance, or Imparlance Docket, or on Amercement, in any of the County Courts of *St. Mary's*, *Charles*, *Anne-Arundel*, *Calvert*, *Baltimore*, *Prince-George's*, *Kent*, *Talbot*, and *Dorchester* Counties, held in *November*, or *March* last, and which were not then determined, shall be, and are hereby revived and continued, *That is to say*, the said Actions, Suits, Process and Proceedings in the Court of Appeals, until and to the Court of Appeals, to be held on the Third Tuesday of *October* next, and those in the said County Courts, until and to the next *June* Court of such County, respectively; All and every of which Actions, Suits, Process, and Proceedings, shall stand, remain, and be in the same Plight, Quality, and Condition, to all Intents and Purposes, at the respective Courts hereafter to be held as aforesaid, as the same were in at the respective before-mentioned Courts and Times now past; and the several Courts aforesaid may and shall respectively proceed in, hear, try, and determine each, and every of the said Actions and Suits, in the same Manner that such Courts of Law might have legally done at the aforesaid Courts and Times, now past as aforesaid, any Discontinuance, or want of Continuance of all, or any of the said Actions, Suits, Process and Proceedings, notwithstanding.

Writs of Replevin, &c. returnable last *November*; made returnable to *June*.

II. AND BE IT FURTHER ENACTED, That all Writs of Replevin, and Writs of Attachment, for attaching Lands, Tenements, Goods, Chattels, Rights, or Credits, or any of them, returnable to the *November* or *March* Courts now last past, in any of the said Counties, and which have been actually executed, shall be, and are hereby Revived and Continued, and shall be returnable and returned to the next *June* Court of the County where the same hath been executed, and in and upon such Replevins and Attachments, the said County Courts respectively, shall and may proceed, hear, and determine in the same Manner as such Courts might have done at the respective Courts to which the same Writs of Replevin and Attachment were returnable.

Criminal Process in *Baltimore*.

III. AND BE IT FURTHER ENACTED, That all Criminal Process and Proceedings, which were depending in, or returnable to *Baltimore* County *November* or *March*

CHAP. VII.

March Court laſt, and ſtill remain undetermined, ſhall be in the ſame Situation, State, and Condition, at the next *June* Court to be held for *Baltimore* County; and the Juſtices of the ſaid County Court, for the Time being, ſhall, and may then proceed to the Hearing and Determining, or further Continuing, and thereafter Hearing and Determining the ſaid Criminal Proceſs and Proceedings reſpectively, as the Caſe may require, as fully and effectually as the Juſtices of the ſaid Court could, or might lawfully have done at the County Court of the ſaid County, in the ſaid Months of *November* or *March* laſt, any Diſcontinuance, or any other Matter or Thing to the contrary notwithſtanding.

Fees for Slaves to be paid by the reſpective Counties.

Proviſo.

IV. **Provided always**, That this Act, nor any Thing herein contained, ſhall revive or continue any Writ of *Capias ad Reſpondendum*, or any Writ of *Capias ad Satisfaciendum*, returnable in any of the ſaid County Courts in the Month of *November* or *March* laſt, nor ſhall any of the ſaid Actions or Suits, which were depending in any of the ſaid Courts of Law, and which are now abated, or abateable by the Death of any Party thereto, be revived or continued by virtue of this Act. **And it is hereby Declared**, That all Writs, Precepts and Proceſs, may, and ſhall iſſue, returnable to *Baltimore* County Court at *Joppa*, the Firſt Tueſday of *June* next, and teſted the laſt Day of the laſt Sitting of that Court, in the ſame Manner, and of the ſame Force and Effect, as if that County Court had regularly adjourned from *November* to *March*, and again had met purſuant to ſuch Adjournment.

Actions in *Frederick*.

V. **And be it further Enacted**, That all Actions which were depending in *Frederick* County *November* Court laſt, in which any *Nonpros*, Diſcontinuance, or Judgment hath been entered, in the Abſence of the Attorney or Attornies of the Plaintiff or Defendant, againſt whom ſuch *Nonpros*, Diſcontinuance, or Judgment hath been entered, ſhall, at the Requeſt, and on the Prayer of ſuch Plaintiff or Defendant reſpectively, by him or herſelf in Perſon, or by his or her Attorney or Attornies, at *Frederick* County *June* Court next, be revived and continued to the ſame *June* Court, and ſhall then remain, ſtand, and be in the ſame State and Condition, as ſuch Actions reſpectively were at *November* Court aforeſaid, and ſhall be tried, heard, and determined, as if no *Nonpros*, Diſcontinuance, or Judgment had therein been entered or happened, any Thing to the contrary notwithſtanding.

Proviſo, with regard to Bail.

VI. **Provided always, and be it Enacted**, That this Act, nor any Thing herein contained, ſhall extend, or be conſtrued to charge or make liable the Bail in any Action in any of the County Courts aforeſaid, which hath been diſcontinued, and is by this Act revived and continued, where the Principal, after the Firſt Day of *November* laſt, and before the making of this Act, hath actually abſconded, or removed out of the County where ſuch Action was depending, or the Bail or Sureties bound by Recognizance for the Appearance of any Perſon or Perſons criminally proſecuted at the ſaid *Baltimore* County *November* or *March* Courts, and on which Recognizance no Default was then entered, but in ſuch Caſes ſuch Bail and Sureties ſhall be, and are hereby diſcharged, any Thing to the contrary notwithſtanding.

From the Firſt of *Auguſt* paſt, to the Firſt of *June* next, not to be reckoned in the Time of Limitation, &c.

VII. **And be it further Enacted**, That all that Space and Time, from the Firſt Day of *Auguſt* Seventeen Hundred and Sixty-five, to the Firſt Day of *June* Seventeen Hundred and Sixty-ſix, incluſive, ſhall not run, be had, reckoned, or eſtimated as Part of the Time limited for the bringing or proſecuting any Action or Suit, or of the Year and Day limited for the iſſuing Executions on Judgments; and that this Act ſhall and may be taken Advantage of in Bar of the Act of Limitation, without any ſpecial Replication, any Thing to the contrary hereof notwithſtanding.

VIII. And

VIII. And be it further Enacted, That the said County Courts of the unties herein before-mentioned, may, in their Diſcretion, continue any of ſaid Actions hereby revived and continued in the ſaid Courts reſpectively, which, by the Laws now in being, cannot be continued longer than till next *June* Court of the ſaid Counties, until the next *Auguſt* Court of Counties reſpectively, any Thing to the contrary notwithſtanding. CHAP. VII.

CHAP. VIII.

An ACT to enable the Veſtrymen and Churchwardens of *Saint Paul*'s Pariſh, in *Baltimore* County, to nominate and recommend Inſpectors for *Baltimore-Town* Warehouſe.

WHEREAS it is repreſented to this General Aſſembly, that the Veſtrymen and Churchwardens of *Saint Paul*'s Pariſh, in *Baltimore* County, have omitted to make the uſual Recommendation required Law of Inſpectors to officiate at the Warehouſe at *Baltimore-Town*: Preamble.

I. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower ſes of Aſſembly, and the Authority of the ſame*, That the Veſtrymen and rchwardens of *Saint Paul*'s Pariſh in *Baltimore* County, or the major Part them, be, and are hereby authorized and required to meet at their Pariſh rch, between the Firſt Day of *June*, and the Tenth Day of *June*, in the r of our Lord One Thouſand Seven Hundred and Sixty-ſix, and then there, after taking the Oath preſcribed by the Act, entitled, *An Act for ding the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, for the Limitation of Officers Fees*; paſſed in the Year of our Lord One uſand Seven Hundred and Sixty-three; to nominate and recommend to Governor and Commander in Chief of this Province, for the Time being, able and ſufficient Planters; well ſkilled in Tobacco, for the Execution he Office of Inſpectors at the Warehouſe at *Baltimore-Town* aforeſaid. Veſtry of St. *Paul*'s, to chooſe Inſpectors;

II. And be it further Enacted, *by the Authority aforeſaid*, That the ſaid rymen and Churchwardens ſhall, after the Nomination and Recommenon aforeſaid, forthwith tranſmit Certificates of ſuch Nomination and Remendation to the Sheriff of the ſaid County, who ſhall forthwith tranſthe ſame to the Clerk of the Council, to be by him immediately laid be the Governor or Commander in Chief; out of which ſaid Four Perſons, e ſo nominated and recommended for Inſpectors, the Governor, or Comnder in Chief for the Time being, ſhall, and may appoint, by Warrant er his Hand, Two Perſons to be Inſpectors for the Inſpection of Tobacco he Warehouſe at *Baltimore-Town* aforeſaid; which Perſons, ſo appointed Warrant, by the Governor or Commander in Chief aforeſaid, ſhall, after ing ſuch Oaths, and giving ſuch Bond and Security as are required by the mentioned Act to be taken and given by Inſpectors, be, and are hereby powered to exerciſe and execute the ſaid Office of Inſpectors, in the ſame nner, and under the ſame Penalties and Forfeitures, as if they had been minated recommended and appointed according to the ſaid Act. And to tranſmit Certificates.

IV. And be it further Enacted, *by the Authority aforeſaid*, That every Veſman and Churchwarden who ſhall neglect or refuſe (not being prevented Sickneſs, or ſome unavoidable Accident) to meet according to the Direcns of this Act, to nominate and recommend Inſpectors as aforeſaid, or who ng ſo met, ſhall omit, neglect, or refuſe, to nominate and recommend Inctors as aforeſaid, whereby Inſpectors ſhall not be nominated and recomnded in Purſuance of this Act, ſhall forfeit and pay Five Thouſand Pounds Tobacco, with Coſts of Suit for every ſuch Offence, to be recovered and plied as Fines and Forfeitures are by the ſaid Act to be recovered and aped. Penalty for neglect.

A LIST

Persons prosecuted there, and for Payment of Fees due from Criminals when prosecuted there, and for Payment of Rewards for apprehending Offenders.

VI. And be it further Enacted, That every Writ of Error, Appeal, Certificate, Warrant and Commitment into Court, and Certificate of the Proceedings thereon, (not being prevented by the Provisions of this Act, to be returned and certified in Manner aforesaid,) shall, and may be sent by the Post, addressed to the Clerk of the Crown, or other proper Officer, according to the Direction thereof, and such Writ of Error, Appeal, Certificate, Warrant and Commitment shall be received and filed by such Clerk of the Crown, or other proper Officer, and shall be proceeded in, and returned, and certified, and obeyed, in the same Manner as if the same had been delivered in Person to the Clerk of the Crown, or other proper Officer, to be returned and certified as aforesaid, notwithstanding Inspectors shall not be nominated and recommended in Pursuance of this Act, shall forthwith and by Two Months Notice in writing, to be given by the Inspectors, or any Two of them, to the Justices of the Peace at the Quarter Sessions, or other Court of Quarter Sessions, or Adjournment thereof, to be held for the County, Riding, Division, Liberty, City, Borough, Cinque Port, Town Corporate, or Place, for which they shall be appointed, or by Affixing such Notice on the Door of the Court House, or other usual Place of Meeting for such County, Riding, Division, Liberty, City, Borough, Cinque Port, Town Corporate, or Place, cause Public Notice to be given, that they intend to apply to such Court, Sessions, or Adjournment thereof, to nominate and recommend Inspectors as aforesaid, whereupon Inspectors shall not be nominated and recommended in Pursuance of this Act, shall forthwith and by Two Months Notice, to be given by the Inspectors, or any Two of them, to the Justices at the Quarter Sessions, or other Court of Quarter Sessions, or Adjournment thereof, to be held for the County, Riding, Division, Liberty, City, Borough, Cinque Port, Town Corporate, or Place, for which they shall be appointed, cause Public Notice to be given, that they intend to apply to such Court, Sessions, or Adjournment thereof, to nominate and recommend Inspectors to execute the said Office of Inspector, in the same Manner, and under the same Penalties and Forfeitures, as if they had been nominated recommended and appointed according to the said Act.

*Inspectors to be appointed for the Western Division of Middlesex, and for the Liberty of Westminster, and for the Eastern Division of Middlesex, and for the City of London, and for the Borough of Southwark, and for the Western Division of Middlesex, and for the Eastern Division of Middlesex, and for the Liberty of Westminster

LAWS

OF

MARYLAND,

MADE AND PASSED

AT A

SESSION of ASSEMBLY,

Begun and held at the City of ANNAPOLIS, on Saturday the First Day of *November*, in the Sixteenth Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of MARYLAND and AVALON, Lord Baron of BALTIMORE, *&c.* and ended the Sixth Day of *December*, *Anno Domini*, 1766.

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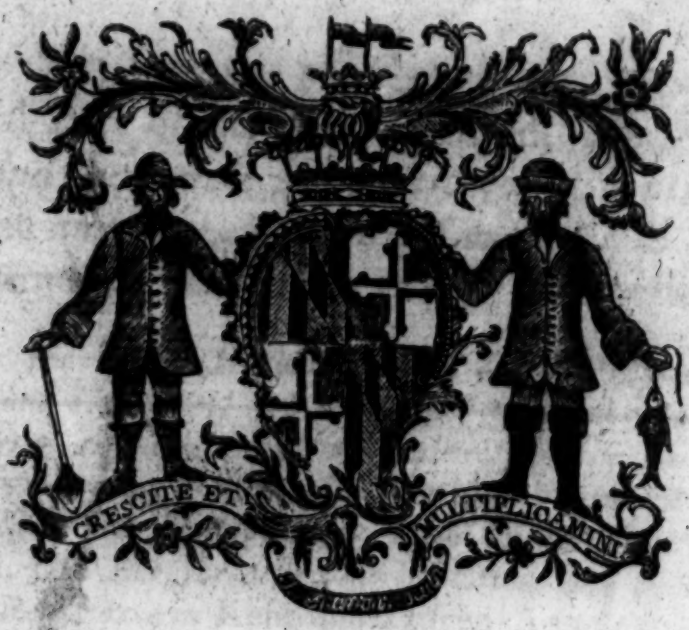

ANNAPOLIS:

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LAWS

OF

MARYLAND.

At a Seſſion of ASSEMBLY, begun and held at the City of *Annapolis*, on Saturday the Firſt Day of *November*, in the 16th Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of *Maryland* and *Avalon*, Lord Baron of *Baltimore*, &c. and ended the Sixth Day of *December*, *Anno Domini*, 1766: The following Laws were Enacted.

HORATIO SHARPE, Eſq; Governor.

CHAP. IX.

An ACT continuing an Act, entitled, *An Act for Amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly of this Province, entitled, *An Act for Amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Fourth Day of *October*, Seventeen Hundred and Sixty-three, be, and is hereby continued, and ſhall remain and be in full Force, until the Twenty-fifth Day of *December*, One Thouſand Seven Hundred and Sixty-nine.

The Act of 1763, *ch.* 18, continued till *Dec.* 1769.

CHAP. X.

An ACT to Repeal Part of an Act, entitled, *An Act for deſtroying Crows and Squirrels in particular Counties, and of Red Foxes in* Kent *and* Queen-Anne's *Counties, ſo far as the ſame extends to* Somerſet, Dorcheſter, *and* Worceſter *Counties.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That Part of an Act of Aſſembly made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Firſt Day of *November*, One Thouſand Seven Hundred and Sixty-five, entitled, *An Act for deſtroying of Crows and Squirrels in particular Counties, and of Red Foxes in* Kent *and* Queen-Anne's *Counties*, which directs that Oath or Affirmation be made, That the Squirrels or Crows were killed in the County where the Scalps ſhall be produced, ſo far as the ſame extends to *Somerſet*, *Dorcheſter*, and *Worceſter* Counties, be, and is hereby Repealed, Abrogated, and made null and void.

The Act of 1765, *ch.* 36, Repealed in Part.

CHAP. XI.

An ACT continuing an Act, entitled, *An Act for the ſpeedy Recovery of Small Debts out of Court, before one Juſtice of the Peace.*

The Act of 1763, *ch.* 21, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That an Act of Aſſembly of this Province, entitled, *An Act for the ſpeedy Recovery of Small Debts out of Court, before one Juſtice of the Peace,* made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Fourth Day of *October*, Seventeen Hundred and Sixty-three, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Seven Years.

CHAP. XII.

An ACT continuing an Act, entitled, *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour and Bread.*

The Act of 1745, *ch.* 15, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That an Act of Aſſembly of this Province, entitled, *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour and Bread*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, on the Fifth Day of *Auguſt*, Seventeen Hundred and Forty-five, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the Expiration of the ſaid Seven Years.

CHAP. XIII.

An ACT continuing an Act, entitled, *An Act to remedy ſome Evils relating to Servants.*

The Act of 1750, *ch.* 5, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That an Act of Aſſembly of this Province, entitled, *An Act to remedy ſome Evils relating to Servants*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Eighth Day of *May*, Seventeen Hundred and Fifty, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years next enſuing, and unto the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Seven Years.

CHAP.

CHAP. XIV.

An ACT continuing an Act, entitled, *A Supplementary Act to the Act, entitled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to redress the great Evil accruing to this Province, by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *A Supplementary Act to the Act, entitled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to redress the great Evil accruing to this Province, by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Eighth Day of *May*, Seventeen Hundred and Fifty, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. The Act of 1750, *ch.* 25, continued 3 Years, *&c.*

CHAP. XV.

An ACT for the Building a Vestry-House at *Chester* Church, in *Kent* County, and Inclosing the Church-Yard, and for other Purposes.

WHEREAS the Vestry and Churchwardens of *Chester* Parish, in *Kent* County, and other Inhabitants of the said County, have, by their Petition to this General Assembly, set forth, That the said Vestry find there will be an Overplus of the One Hundred and Thirty Thousand Pounds of Tobacco allowed to build a Church for the said Parish, more than will be sufficient to build the said Church, and also that it is necessary to inclose the Yard of the said Church, and to build a sufficient and convenient Vestry-House at the said Parish Church, for the Benefit and Use of the Parishioners; and that there will be, when added to the said Overplus, more than a sufficient Sum of Tobacco, of the Savings of the said *Chester* Parish out of the Thirty per Poll raised on the Parishioners for the present Year, by reason of the Vacancy of an Incumbent, to inclose the said Church-Yard in a proper Manner, and to build and finish a good and sufficient Vestry-House as aforesaid; and therefore prayed, That an Act of Assembly might pass to appropriate the said Overplus, and about Sixteen Thousand Pounds of Tobacco of the Savings aforesaid, to the said Uses and Purposes. Preamble.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That it shall and may be lawful for the Vestry aforesaid, and they are hereby directed and required, in some short Time after this Session of Assembly, to contract and agree with some proper Person or Persons, for the Erecting, Building, and finishing a sufficient and convenient Vestry-House at the Place aforesaid, and for inclosing, fencing, or paling in the Church-Yard aforesaid: To defray the Cost whereof, the said Vestry are hereby directed and impowered to apply the said Overplus of the One Hundred and Thirty Thousand Pounds of A Vestry-House to be built at *Chester* Church.

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of Tobacco, lately allotted and allowed to build and erect the Pariſh Church of the ſaid *Cheſter* Pariſh, beyond what the ſaid Church will coſt, and alſo Sixteen Thouſand Pounds of Tobacco, Part of the Savings aforeſaid of the ſaid Pariſh for the preſent Year from the Thirty per Poll, by reaſon of the Vacancy of an Incumbent in the ſaid Pariſh, any Law, Statute, or Uſage to the contrary, notwithſtanding.

III. **And whereas**, by an Act of Aſſembly, entitled, *An Act for erecting a new Pariſh in* Kent *County, called* Cheſter *Pariſh, and for building a Pariſh Church, and enlarging a Chapel of Eaſe within the ſaid new Pariſh*, it was Enacted, That it ſhould be lawful for the Juſtices of *Kent* County Court, to Aſſeſs and Levy on all the Taxable Inhabitants of the ſaid County, at *November* Court, Seventeen Hundred and Sixty-ſix, ſuch a Sum of Tobacco, as with the Balance then remaining in the Hands of the Veſtry of *St. Paul*'s Pariſh, unappropriated, which had then ariſen on the Vacancy of an Incumbent in that Pariſh, would make One Hundred Thouſand Pounds of Tobacco; and the further Sum of Eighty Thouſand Pounds of Tobacco at the *November* Court next following, to the Uſe and Purpoſe of building a Church, and enlarging the Chapel in the ſaid *Cheſter* Pariſh; and the Veſtry of the ſaid *Cheſter* Pariſh are by the ſaid Act impowered to contract for the building the ſaid Church, and enlarging the Chapel aforeſaid: But, as the ſaid Veſtry of *St. Paul*'s Pariſh, not being by the ſaid Act expreſsly directed to pay the ſaid Balance remaining in their Hands, may doubt whether they are thereby ſufficiently authorized and impowered to pay the ſame: **Be it therefore hereby Enacted and Declared**, That the ſaid Veſtry of *St. Paul*'s Pariſh, ſhall and may, and are hereby directed and required to render an Account to the ſaid Veſtry of *Cheſter* Pariſh, of the Diſpoſition of the Thirty per Poll of the ſaid *St. Paul*'s Pariſh, from the Death of the Reverend *James Sterling*, the late Incumbent, until *November* Court Seventeen Hundred and Sixty-five, and to pay the juſt Balance thereof now in their Hands, unto the ſaid Veſtry of *Cheſter* Pariſh, or to their Order, for the Uſe aforeſaid: And, if any Part of the ſaid Thirty per Poll, which aroſe due as aforeſaid, ſhall not be now received by the ſaid Veſtry of *St. Paul*'s Pariſh, of the Sheriff, or late Sheriff of *Kent* County, then the ſaid Sheriff, and late Sheriff, are hereby directed and required to pay ſuch Part of the ſaid Thirty per Poll, as is now in their, or either of their Hands, to the ſaid Veſtry of *Cheſter* Pariſh, for the Uſe and Purpoſe aforeſaid, and to render Account to them thereof; any Thing in any other Law, Uſage, or Cuſtom to the contrary, in any wiſe notwithſtanding.

The Veſtry of *St. Paul*'s, to render Account to the Veſtry of *Cheſter* Pariſh.

CHAP. XVI.

An ACT to impower the Juſtices of *Somerſet* County to levy on the Taxable Inhabitants of *Somerſet* Pariſh, in the ſaid County, the Quantity of One Hundred and Forty-four Thouſand Pounds of Tobacco, for the Uſes therein mentioned.

Preamble.

WHEREAS the Rector, Veſtrymen, and ſundry the Inhabitants of *Somerſet* Pariſh, in *Somerſet* County, have, by their humble Petition to this General Aſſembly, ſet forth, That the Chapel of Eaſe in the ſaid Pariſh, called *King's-Mill Chapel*, is now much decay'd, and, in a little Time, will be dangerous for the Inhabitants to attend Divine Service therein; and that the ſame is too ſmall for the Reception of the Congregation thereto adjacent, and not ſo well ſituated as might be; and alſo that *Monie* Church, in the ſaid Pariſh, is too ſmall for the Pariſhioners that attend at the ſame; and have humbly prayed that an Act may paſs to enable the Rector, Veſtrymen, and Churchwardens of the ſaid Pariſh, to ſell the Chapel aforeſaid, and the Parcel of Land thereto belonging, and to purchaſe

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purchaſe a Piece of Ground in *Princeſs-Anne-Town*, whereon they may erect and build a Chapel; and that Eight Hundred Pounds, or the Value thereof in Tobacco, may be levied on the Taxable Inhabitants of the ſaid Pariſh, to be applied by the ſaid Veſtrymen and Churchwardens for that Purpoſe; and alſo that the Sum of One Hundred Pounds, or the Value thereof in Tobacco, may be levied in like Manner, for the Enlargement of *Monie* Church aforeſaid, and that the ſame might be levied by Three equal Aſſeſſments.

A Lot of Ground in *Princeſs-Anne*, to be purchas'd for building a Chapel.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Veſtry and Churchwardens of the ſaid Pariſh, for the Time being, or the major Part of them, be, and are hereby authorized and impowered to purchaſe in Fee, in the Name of the Rector, Veſtrymen, and Churchwardens of *Somerſet* Pariſh, for the Time being, ſo much Land in *Princeſs-Anne-Town* aforeſaid, as by them ſhall be judged neceſſary, not exceeding Two Acres of Land; and to treat and agree with ſuch Perſon or Perſons as they ſhall judge proper, to undertake, erect and build, and in a Workman-like Manner, compleat and finiſh, on the ſaid Land ſo to be bought, a Chapel of Eaſe to the ſaid Pariſh: And the ſaid Parcel of Land, when bought, and the ſaid Chapel, when built, ſhall be, and are hereby declared to be veſted in the ſaid Pariſh, as the Eſtate and Chapel of Eaſe to the ſaid Pariſh, for the Worſhip and Service of GOD, in like Manner as other Lands and Chapels of Eaſe thereon built in other Pariſhes, are uſed and enjoyed.

Monie Church to be Enlarg'd.

III. **And be it further Enacted**, That it ſhall and may be lawful for the Veſtrymen and Churchwardens aforeſaid, for the Time being, or the major Part of them, and they are hereby authorized and impowered to treat and agree with any Perſon or Perſons that they ſhall judge proper, to enlarge the Pariſh Church at *Monie* aforeſaid.

King's-Mill-Chapel to be ſold.

IV. **And be it further Enacted**, That the Veſtry and Churchwardens aforeſaid, for the Time being, or the major Part of them, ſhall be, and are hereby enabled and impowered to ſell and convey, in Fee Simple, the Chapel aforeſaid, called *King's-Mill-Chapel*, and the Land thereto belonging, at Public Vendue, to the higheſt Bidder, firſt giving Notice of the ſaid Sale, by Advertiſements ſet up at the Doors of the Court-Houſe of the ſaid County and Pariſh Church aforeſaid, and to apply the Money produced by ſuch Sale towards the Purchaſe of the Land aforeſaid in *Princeſs-Anne-Town*, and the Building thereon the Chapel aforeſaid.

144,000 lb of Tobacco, to be levied in 3 Years, for carrying this Act into Execution.

V. **And be it further Enacted**, That the Juſtices of *Somerſet* County, for the Time being, ſhall, and they are hereby authorized and impowered to Aſſeſs on the Taxable Inhabitants of the ſaid Pariſh, the Quantity of One Hundred and Forty-four Thouſand Pounds of Tobacco, by Three equal Aſſeſſments, in the Years of our Lord Seventeen Hundred and Sixty-ſix, Seventeen Hundred and Sixty-ſeven, and Seventeen Hundred and Sixty-eight, together with the Sheriff's Salary of Five *per Centum* for collecting the ſame; which ſaid Aſſeſſments, ſo as aforeſaid to be made, ſhall be collected and levied by the Sheriff of the County aforeſaid, in the ſame Manner as Public and County Levies are collected and levied, and by him be paid to the Veſtry and Churchwardens aforeſaid, for the Time being, who are hereby authorized and required to receive and apply the ſame to the Uſes and Purpoſes following: *That is to ſay*, The Quantity of One Hundred and Twenty-eight Thouſand Pounds of Tobacco, Part of the ſame, to and for the Uſe and Purpoſe of purchaſing the Parcel of Ground in *Princeſs-Anne-Town*, and the building and erecting thereon the Chapel aforeſaid, and the remaining

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Sixteen Thouſand Pounds of Tobacco, to and for the Uſe and Purpoſe of Enlarging the Pariſh Church at *Mowie* aforeſaid.

Tobacco may be paid as Public Dues.

VI. **Provided always, and be it Enacted,** That it ſhall and may be lawful for the ſeveral and reſpective Inhabitants of the ſaid Pariſh, to pay and diſcharge the ſaid ſeveral and reſpective Sums of Tobacco, to be levied for the Uſes aforeſaid, in Money, in the ſame Manner as they now are enabled to pay and diſcharge the Public or County Levy; any Clauſe, Matter or Thing, herein to the contrary, notwithſtanding.

CHAP. XVII.

An ACT for the Adjournment and Continuance of *Frederick* County Court.

Preamble.

WHEREAS an Adjournment of *Frederick* County Court is at this Time neceſſary; many of the Members of the Lower Houſe being abſent through Sickneſs, and ſeveral of the Members whoſe Attendance on their Duty here, cannot be diſpenſed with, having alſo neceſſary Buſineſs in the ſaid Court:

Frederick County Court Adjourn'd.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That all Cauſes, Pleas, Proceſs and Proceedings, either Civil or Criminal, now depending in, or returnable to, the ſaid County Court, to be held the Third Tueſday of *November* in this preſent Year, ſhall be, and are by virtue of this Act, Adjourned and Continued from the ſaid Third Tueſday in *November*, until the Firſt Tueſday in *December* next, and ſhall be in the ſame Plight and Condition as they would be on the ſaid Third Tueſday of *November*; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

CHAP. XVIII.

An ACT to Repeal Part of an Act, entitled, *An Act for the Encouragement of ſuch Perſons as ſhall undertake to build Water-Mills.*

Part of the Act of 1704, *ch.* 16, Repealed.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Act, entitled, *An Act for the Encouragement of ſuch Perſons as will undertake to build Water-Mills,* and every Clauſe, Matter and Thing, therein contained, ſhall be, and do ſtand hereby Repealed, except the laſt Enacting Clauſe therein that followeth the Recital; "for Prevention of the Abuſe frequently committed "by Perſons keeping Water-Wills, by taking exceſſive Toll," together with the ſaid Recital; which ſaid Recital, and Enacting Clauſe, **it is hereby Declared,** ſhall ſtand in full Force and Virtue.

Proviſo.

II. **Provided always,** That ſuch Perſon and Perſons as hath, or have, before the Firſt Day of this preſent Seſſion of Aſſembly, taken out, obtained, or proſecuted any Writ or Writs of *Ad quod Damnum*, under, or by virtue of the ſaid recited Act, ſhall have the ſame Benefit and Advantage under, and by virtue of the ſaid recited Act, as if this Act were or had not been made; any Thing herein to the contrary, notwithſtanding.

CHAP.

CHAP. XIX.

An ACT continuing an Act, entitled, *An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law*, and for continuing the Supplementary Act thereto.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That an Act of Assembly of this Province, entitled, *An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty-second Day of *June*, Seventeen Hundred and Fourteen; also the Supplementary Act thereto, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Third Day of *October*, Seventeen Hundred and Twenty-eight, be, and are hereby continued, and shall remain and be in full Force, for and during the Term of Seven Years, and to the End of the next Session of Assembly which shall happen after the End of the said Seven Years.

The Act of 1714, *ch.* 4, And 1728, *ch.* 24, continued 7 Years, *&c.*

CHAP. XX.

An ACT to enable the Justices of *Charles* County Court to Assess and Levy on the Taxable Inhabitants of *Trinity* Parish, a Quantity of Tobacco for building a Chapel of Ease in *Benedict* Hundred, in said Parish, and for other Purposes therein mentioned.

WHEREAS the Rector, Vestrymen, Churchwardens, and other the Principal Inhabitants of *Trinity* Parish, and of *Benedict* Hundred, being Part of the said Parish, in *Charles* County, by their humble Petition to this General Assembly, have set forth, That the Church of the said Parish being very remote, and the Distance rendering it inconvenient for the Inhabitants of the said Hundred to attend Divine Worship; they therefore humbly Pray, that an Act may pass to enable the Justices of the said County, to levy on the Taxable Inhabitants of the said Parish, the Sum of Fifty Thousand Pounds of Tobacco, clear of all Deductions, and Sheriff's Salary for Collection, to be levied at Three equal Assessments, in order to build a Chapel of Ease on a rising Ground at the West Entrance into *Villet*'s old Fields, near the Main Road that leadeth from *Bryan-Town* to *Benedict*, the said Situation being convenient not only for the Inhabitants of *Benedict* Hundred, but many others contiguous thereto, in the said Parish; which being by this present General Assembly thought reasonable: Preamble.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Justices of *Charles* County Court, for the Time being, are hereby authorized and impowered to Assess and Levy, (at *November* Court Seventeen Hundred and Sixty-seven, and so in *November* Court yearly, until the Year Seventeen Hundred and Sixty-nine, inclusive) at Three equal Assessments, on the Taxable Inhabitants of *Trinity* Parish, in the said County, a Quantity of Tobacco, not exceeding Fifty Thousand Pounds of Tobacco in the whole Three Assessments, together with the Sheriff's Salary of Five per Cent for Collection; which said Quantity of Fifty Thousand Pounds of Tobacco, shall be collected and levied by the Sheriff of the said County, who is hereby authorized and directed to collect and levy the same, in the same Manner that other Parish Assessments are by Law directed to be levied and collected; and the said Tobacco, 50,000 lb of Tobacco to be levied in *Trinity* Parish, at 3 equal Assessments, *&c.*

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co, when collected according to each Year's equal Aſſeſſment, ſhall be paid to the Veſtrymen and Churchwardens of the ſaid Pariſh.

For building a Chapel.

III. And whereas, a Riſing Piece of Ground, at the Weſt Entrance into *Villet's* Old Fields, near the Main Road that leadeth from *Bryan-Town* to *Benedict*, is repreſented by the Petitioners to be the moſt convenient Situation for Erecting the ſaid Chapel on: Be it therefore further Enacted, *by the Authority aforeſaid*, That the Rector, Veſtrymen, and Churchwardens, or the major Part of them, are hereby authorized and impowered to purchaſe out of the Tobacco hereby granted, One Acre of Land in the ſaid Old Fields, ſituate in that Place which they may judge moſt convenient for erecting and building the ſaid Chapel upon; and which One Acre, when purchaſed, ſhall be, and remain to and for the Uſe of the Pariſh aforeſaid for ever.

CHAP. XXI.

An ACT continuing an Act, entitled, *An Act for impoſing an Additional Duty of Two Pounds per Poll on all Negroes imported into this Province.*

The Act of 1763, *ch.* 28, continued 7 Years, *&c.*

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly of this Province, entitled, *An Act for impoſing an Additional Duty of Two Pounds per Poll on all Negroes imported into this Province*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Fourth Day of *October*, Seventeen Hundred and Sixty-three, be, and is hereby continued, and ſhall remain and be in full Force, for and during the Term of Seven Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Seven Years.

CHAP. XXII.

An Additional Supplementary ACT, to the Act, entitled, *An Act for quieting Poſſeſſions, enrolling Conveyances, and ſecuring the Eſtates of Purchaſers.*

Preamble.

WHEREAS the Act, entitled, *An Act for quieting Poſſeſſions, enrolling Conveyances, and ſecuring the Eſtates of Purchaſers*, in aſcertaining a Way and Method for Conveying of Manors, Lands, Tenements and Hereditaments, extends to, and regards only ſuch Conveyances as operate by way of Bargain and Sale; and the good Ends and Purpoſes of the ſaid Act are now in great Meaſure eluded by the frequent Uſe of Conveyances by Feoffment, Leaſe and Releaſe Confirmation, Releaſe Limitation and Declaration, of Uſes and other Modes of Conveying. And whereas a general Regiſtry of all Deeds and Conveyances of Land, would very much tend to the Security of Creditors and Purchaſers, the Preſervation of Titles, and thereby to the Advancement of the Value of Real Eſtates, and particularly to prevent Abuſes and Deceits by Mortgages, and the Purchaſe of pretended Titles:

No Eſtate of Inheritance, or Freehold, *&c.* for above 7 Years, to take Effect, unleſs acknowledg'd in the Provincial or County Court, *&c.*

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That after the Firſt Day of *May* next, no Eſtate of Inheritance or Freehold, or any Declaration or Limitation of Uſe, or any Eſtate for above Seven Years, ſhall Paſs or take Effect, except the Deed or Conveyance by which the ſame ſhall be intended to Paſs or take Effect, ſhall be acknowledged in the Provincial Court, or before One of the Juſtices thereof, or in the County Court, or

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or before Two Justices of the same County, where the Lands, Tenements or Hereditaments, conveyed by such Deed or Conveyance, do lie, and be also enrolled in the Records of the same County, or the Provincial Court, as the Case may be, within Six Months after the Date of such Deed or Conveyance; and, for the taking which Acknowledgment, there shall be paid to the Party or Parties, taking the same, the Sum of One Shilling, and no more; and the Clerk of the Provincial, or County Court, shall, immediately upon the Receipt of such Deed or Conveyance, indorse thereon the Time of his receiving the same, and shall well and truly, in a fair, full, and legible Hand-Writing, enrol such Deed or Conveyance in a good sufficient Book in Folio, to be regularly Alphabeted in the Names of all and every of the Parties to the same, and the Name of the Land, and Quantity of Acres, which Book shall remain in the Custody of the said Clerk of the said Provincial, or County Court; and the Clerk aforesaid shall, on the Back of every such Deed or Conveyance, in a full legible Hand, make a Certificate of such Enrolment, and the Time of making it, and also of the Folio of the Book in which the same shall be enrolled, and shall to such Certificate set his Hand.

and recorded in 6 Months.

Magistrate's Fee.

The Clerk's Duty.

IV. **Provided always, and be it Enacted,** That when the Person or Persons making any Deed or Conveyance for Conveying or Declaring or Limiting any Use in, or for any Lands, Tenements, or Hereditaments, shall live remote from the Provincial Court, or out of the County where the Lands, Tenements or Hereditaments lie, it shall and may be lawful for such Person or Persons, to acknowledge the same in the County Court of the said County, or before Two Justices of the said County, wherein he, she, or they shall reside; and a Certificate of such Acknowledgment, under the Hand of the County Clerk, and under the Seal of the same County, being indorsed thereon, that the said Acknowledgment was made in open Court, if made in Court, or if before Two Justices, that they were, at the Time of making the said Acknowledgment, Justices of the said Court, duly Commissioned and Sworn, such Deed or Conveyance shall be taken, deemed and reputed, and shall be as good and valid as if the same had been acknowledged in Manner first herein mentioned; and such Certificate shall be a sufficient Warrant for the Clerk of such Lands, where the Lands, Tenements, and Hereditaments aforesaid, do lie, to Enrol such Deed or Conveyance, and the Indorsements thereon.

Provision where the Grantors, &c. live out of the County where the Lands lie.

Deeds may be acknowleg'd in the County, and certified to the proper Court.

V. **And** if any Person or Persons, Conveying, Limiting, or Declaring as aforesaid, shall not be a Resident of this Province at the Time of the Execution of such Deed or Conveyance, so as the same cannot be acknowledged as is before directed, or enrolled within the Time for that Purpose herein before limited, then, and in every such Case, the Deed or Conveyance shall be acknowledged by Letter of Attorney, well and sufficiently proved, either in the Provincial Court, or County Court where the Land intended to be Conveyed, or the Use thereof Limited or Declared, doth lie, or before One Justice of the Provincial, or Two Justices of the County Court as aforesaid, and be enrolled as aforesaid, within Six Months from the Time of such Acknowledgment, any Thing herein contained to the contrary notwithstanding.

Grantor, if a Non-Resident, may acknowledge by Attorney.

VI. **And be it further Enacted,** *by the Authority aforesaid,* That every such Writing, to be acknowledged and enrolled as aforesaid, and every Deed of Bargain and Sale of any Lands, Tenements, or Hereditaments whatsoever, hereafter to be made, executed, acknowledged and enrolled, shall have Relation as to the Passing and Conveying the Premises, and the Estate thereby intended to be Passed or Conveyed, by and from the Day of the Date thereof,

Deeds of Sale to take Effect from the Day of the Date thereof.

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thereof, any Thing contained in this preſent Act, or any other Act or Acts to the contrary notwithſtanding.

Proviſo for *Femme Covert*.

VII. **And be it further Enacted**, That any *Femme Covert*, not being a Minor, joining with her Huſband in any of the ſeveral kinds of Conveyances herein before mentioned, and acknowledging them, or any of them, upon Private Examination, according to the Directions of the ſaid recited Act, where ſuch *Femmes Covert* have the Right, Title, or Intereſt of the Lands, Tenements, or Hereditaments, or any Part thereof, by ſuch Conveyances intended to be given, granted, releaſed, ſurrendered, declared, ſettled, or otherwiſe diſpoſed of, ſhall by ſuch Execution of the ſaid Conveyance or Conveyances, Examination, Acknowledgment and Enrolment, be Barred and Foreclоſed to all Intents and Purpoſes whatſoever, and that ſuch Examination, and Acknowledgment, and Enrolment, without her joining in the ſaid Deed or Conveyance, ſhall be good and ſufficient to bar any *Femme Covert* of her Right of Dower: **Provided**, That ſuch *Femme Covert*, in both Caſes be, at the Time of ſuch Execution, Examination and Acknowledgment, of the full Age of Twenty-one Years, of ſound Mind, and out of Priſon. And where any ſuch *Femme Covert* ſhall live out of this Province, within any of his Majeſty's Dominions, ſuch Examination and Acknowledgment as aforeſaid, taken before the Mayor of ſome Corporation within *Great Britain* or *Ireland*, or other of his Majeſty's *European* Iſlands, or before One Juſtice of the Supreme or Provincial Court of any Province or Colony, or Governor or Chief Officer within any of his Majeſty's Dominions, and certified by Indorſement on the Deed or Conveyance, by ſuch Mayor or Juſtice, under his Hand and Seal of the Corporation, when taken before a Mayor, or the Seal of the Province or Colony, Governor or Chief Officer, when taken before ſuch Juſtice, Governor, or Chief Officer, ſhall be as good and effectual in Law for barring ſuch *Femme Covert* of her Right of Dower, or Inheritance, as the Caſe may be, as if the ſame Examination and Acknowledgment were taken and certified within this Province, according to the Directions of the ſaid recited Act, any Thing therein, or in any other Act, Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

How to be Examined.

Barred of Dower.

Femme Covert, Non-Reſident, how her Examination and Acknowledgment is to be taken and Certified.

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An ACT to eaſe the Inhabitants of this Province, and to impower the Juſtices of the ſeveral Counties to bind out the Perſons therein mentioned, Apprentices.

Preamble.

WHEREAS there is no Proviſion made by the Laws now in being, for the binding out Children Apprentices, where their Fathers have departed this Province, or removed from the Counties where they reſided, without leaving a Sufficiency for ſuch Childrens Support, nor is there any expreſs Proviſion made for binding out poor Orphan Children, before the Balances of their Fathers Eſtate are tranſmitted to the County Court, which in many Caſes never happens, nor can be done in moſt Inſtances, 'til a conſiderable Time after their becoming Orphans, by which the Counties are greatly burdened for the Support of ſuch Children, and thoſe Children themſelves, are not ſo much benefited as they would be, by being bound out Apprentices:

Magiſtrates to bind out Orphans,

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Juſtices of the ſeveral and reſpective County Courts within this Province, ſhall and may bind out every Orphan Child, not having or being entitled to Real or Perſonal Eſtate, the Profits or Increaſe whereof is, or are ſufficient for his

his or her Maintainance, Support and Education, as an Apprentice to some Mariner, Handicraft-Tradesman, or other Person, (being a Protestant) at the Discretion of the said Justices, until such Orphan Child, if a Male, shall arrive to Twenty-one Years of Age; or, if a Female, to Sixteen Years of Age, or Day of Marriage, which shall first happen, in the same Manner, and upon and under the same Terms, Conditions and Restrictions, as the said County Courts are impowered by any Act of Assembly, in such Case made and provided, to bind out Orphans as Apprentices, where the Balances of their Fathers Estates are transmitted to such Courts.

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till 21, or 16 Years of Age.

III. **And be it further Enacted**, That the said Justices shall and may, upon any Application to them, in their respective County Courts aforesaid, for any Allowance for the Support or Maintainance of any Child whose Father hath departed from this Province, or removed from the County where he resided, without leaving a Sufficiency for the Support of his Children, bind out such Child as an Apprentice in the Manner aforesaid, to any such Person, for the Time, and under the Terms, Conditions, and Restrictions aforesaid.

Also Children left by their Father, &c.

IV. **And**, to the End that Apprentices bound out by virtue of this Act, may be taught their Trades, and may not be rigorously used, or turn'd to common Labour, at the Ax or Hoe, **Be it Enacted**, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That the several and respective County Courts, and Orphan Juries, shall, and they are hereby required to give in Charge, Hear, Judge, Order, Determine, and enquire of and concerning Apprentices bound out by virtue of this Act, and their Masters, in the same Manner as they are impowered and required to do by any Act of Assembly heretofore made, and now in Force.

Orphan Juries to enquire as to their Usage.

V. **And be it further Enacted**, That no Child, having a Mother living in the same County, shall be bound out Apprentice by virtue of this or any other Act of Assembly of this Province, unless such Mother shall be, at the Time of such Binding out her Child Apprentice, present in Court, or hath been summoned to attend such Court on such Occasion, or a Summons for that Purpose against her, hath been return'd *Non Est*. And if the Mother shall appear in Court, and offer sufficient Security for the Maintainance of her Child, or if any Person, on her Behalf, shall, in Court, offer such sufficient Security, then, and in such Case, the Court shall not have Power to bind out such Child Apprentice, but shall take such Security for his or her Maintainance. And if any Matter of Dispute arises between Apprentices bound out by virtue of this Act, and their Masters or Mistresses, it shall and may be lawful for the several and respective County Courts of this Province, to hear and determine the same by Way of Petition, and to give Judgment, and to award Execution upon the same; and that upon Appeal or Writ of Error brought upon such Judgment, from any County Court of this Province to the Provincial Court, or from the Provincial Court to the Governor and Council, no such Judgment shall be Reversed for want of Judicial Process, or that the same was not tried by a Jury, or any Matter of Form either in the Entry, or giving Judgment: Provided, That it appears by the Record that the Defendant was legally summoned, and not condemned unheard.

The Mother, if Living, to be summon'd.

Not to be Bound, if Security be given for their Maintenance.

If Disputes arise, how to be determined.

VI. **And be it further Enacted**, *by the Authority, Advice, and Consent aforesaid*, That if the Father of any such Apprentice shall return back into the County from whence he removed, and shall make it appear to the Satisfaction of the County Court, who shall have bound out his Child as aforesaid, that he is able to keep his Child or Children from becoming a Burthen to the County, and to make the Master or Mistress of such Apprentice, sufficient Satisfaction

After Binding, if the Father return, and give Security, &c.

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The Court may Diſcharge, &c.

faction for his or her Time, Care and Trouble, in maintaining, educating, and teaching ſuch Apprentice, it ſhall and may be lawful, and the ſaid County Courts are hereby directed and required to iſſue a Summons for the Maſter or Miſtreſs of ſuch Apprentice, and on his or her appearing, or refuſing to appear, they ſhall value, eſtimate, and determine, what Sum of Money, or other Conſideration, ſhall be paid or made by the Father, to the Maſter or Miſtreſs of ſuch Apprentice; and, on the Payment, or Tender in Court, of ſuch Sum of Money, or other Conſideration, the ſaid County Courts are hereby impowered and required to diſcharge ſuch Apprentice from any further Service.

No Female to be bound longer than till 16, or Day of Marriage.

VII. **Provided always, and be it further Enacted,** That no Act of Aſſembly of this Province, ſhall be conſtrued to give any Court a Power to bind any Female Child, longer than ſuch Female ſhall arrive to the Age of Sixteen Years, or Day of Marriage, which ſhall firſt happen; nor ſhall any Female Child be bound out, where any Kinſman, or other Relation, will Maintain, and Educate her, without Diminution of the Eſtate to which ſuch Female Child may be entitled; any Thing in this, or any other Act, to the contrary, notwithſtanding.

Continuance.

VIII. This Act to continue Three Years, and to the End of the next Seſſion of Aſſembly which ſhall happen after the End of the ſaid Three Years.

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An ACT for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of *Jonas Green*, of the City of *Annapolis*, Printer.

Allowance in Tobacco to *J. Green*,

Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That there ſhall be allowed to *Jonas Green*, of the City of *Annapolis*, Printer, the ſeveral and reſpective Sums of Tobacco, in the ſeveral Counties within this Province following, *to wit*,

in the ſeveral Counties.

In *Baltimore* County, Five Thouſand One Hundred and Sixty.
Anne-Arundel County, Four Thouſand Three Hundred and Eighty-ſix.
Charles County, Four Thouſand and Forty-two.
Prince-George's County, Three Thouſand Nine Hundred and Fifty-ſix.
Frederick County, Three Thouſand Five Hundred and Twenty-ſix.
Queen-Anne's County, Three Thouſand Four Hundred and Eighty-three.
St. Mary's County, Three Thouſand Three Hundred and Fifty-four.
Dorcheſter County, Three Thouſand One Hundred and Eighty-two.
Kent County, Three Thouſand One Hundred and Thirty-nine.
Talbot County, Three Thouſand and Fifty-three.
Somerſet County, Three Thouſand and Ten.
Worceſter County, Two Thouſand Eight Hundred and Eighty-one.
Cæcil County, Two Thouſand Eight Hundred and Thirty-eight. And
Calvert County, Nineteen Hundred and Ninety.

Which ſaid reſpective Sums of Tobacco, the Juſtices of the ſeveral County Courts within this Province, are hereby impowered and required to allow and aſſeſs in their reſpective County Levies, annually, during the Continuance of this Act, together with the Sheriff's Salary of Five Pounds per Cent for collecting the ſame: And the ſeveral Sums of Tobacco, ſo to be allowed and aſſeſſed, as aforeſaid, ſhall be collected by the Sheriff of each reſpective County, and yearly paid by them reſpectively, free from any Abatement or Deduction, to the ſaid *Jonas Green*, or his Order, for Printing,

His Duty for ſuch Allowance.

Stitching,

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Stitching, Covering with Marble, or Blue Paper, and delivering a Copy of the Public Laws made this preſent Seſſion of Aſſembly, by the Firſt Day of *May*, in the Year One Thouſand Seven Hundred and Sixty-ſeven, and the Votes and Proceedings of the Lower Houſe of Aſſembly of this preſent Seſſion, by the Tenth Day of *May*, in the Year of our Lord Seventeen Hundred and Sixty-ſeven; and alſo a Copy of the Laws of any future Seſſion within Three Months, and of the Votes and Proceedings of the Lower Houſe of Aſſembly, within Four Months reſpectively, after the End of every ſuch Seſſion, during the Continuance of this Act, to the Governor, and each Member of the Upper and Lower Houſes of Aſſembly, and one Book of the Votes and Proceedings, to the Clerk of each Houſe, and Three Books of the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral and reſpective County Courts, for the Peruſal of the Inhabitants of the ſeveral and reſpective Counties, and a Copy of the Public Laws, during the Continuance of this Act, to every Provincial and County Magiſtrate, and a Copy of each Law, bound up in Leather, to each Houſe of Aſſembly, the High Court of Appeals, the Provincial Court, and to each County Court within this Province, unleſs he ſhall be hindered by the Death of his Hands employed in the Preſs, or by Sickneſs, or the unavoidable Accident of his Preſs breaking.

His Allowance in caſe of no Seſſion.

II. **And be it likewiſe Enacted**, That if it ſhould happen, that in any Year, during the Continuance of this Act, there ſhould not be any Seſſion of Aſſembly held within this Province, whereby the ſaid *Jonas Green* may be enabled to print Laws, and deliver them within ſuch Year, that then, and in ſuch Caſe, there ſhall be allowed to the ſaid *Jonas Green*, the ſeveral and reſpective Sums of Tobacco, in the ſeveral Counties within this Province following, *to wit*,

In *Baltimore* County, Four Thouſand One Hundred and Seventy.
Anne-Arundel County, Three Thouſand Four Hundred and Forty.
Charles County, Three Thouſand One Hundred and Eighty.
Prince-George's County, Three Thouſand and Ninety-ſix.
Frederick County, Two Thouſand Seven Hundred and Ninety-five.
Queen-Anne's County, Two Thouſand Seven Hundred and Six.
St. Mary's County, Two Thouſand Four Hundred and Ninety-four.
Dorcheſter County, Two Thouſand Four Hundred and Eight.
Kent County, Two Thouſand Three Hundred and Sixty-five.
Talbot County, Two Thouſand One Hundred and Fifty.
Somerſet County, Two Thouſand and Twenty.
Worceſter County, Nineteen Hundred and Thirty-five.
Cæcil County, Eighteen Hundred and Ninety. And,
Calvert County, Fourteen Hundred and Sixty.

Which ſaid reſpective Sums of Tobacco, laſt afore-mentioned, together with the Sheriff's Salary of Five Pounds per Cent for collecting the ſame, the ſaid Juſtices of the ſeveral County Courts within this Province, are hereby impowered and required to allow and aſſeſs in their reſpective County Levy, and ſhall be by the reſpective Sheriffs collected, and yearly paid to the ſaid *Jonas Green*, in Manner and Form aforeſaid, for his better Support and Encouragement in ſerving this Province, and reſiding within the ſame.

May be paid in Money.

III. **Provided always, and be it hereby Enacted**, That it ſhall and may be lawful for the Taxable Inhabitants of this Province, upon whom the above Sums of Tobacco ſhall be aſſeſſed, to diſcharge and pay the ſame in Gold and Silver, at the ſame Rates as by the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly begun and held at the City of *Annapolis*, the Fourth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-three, Gold and Silver is directed to be received in all Payments made in virtue of that Act.

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Proviſo, in caſe of his Removal.

IV. **Provided always,** That the ſaid *Jonas Green* ſhall actually reſide at *Annapolis*, during the Continuance of this Act, and comply with the Terms thereof; and that upon the Death of the ſaid *Jonas Green*, or his Removal from *Annapolis*, or ceaſing to comply with the Terms of this Act on his Part, the Payment of the Sums of Money herein before directed to be paid to him, ſhall ceaſe, any Thing contained in this Act to the contrary notwithſtanding.

The Laws to have Marginal Notes, &c.

V. **And be it likewiſe Enacted,** That the Copy of the Public Laws, made this preſent Seſſion of Aſſembly, as well as thoſe made at any future Seſſion, during the Continuance of this Act, ſhall have Marginal Notes made and printed thereto, as alſo the Date of the Year wherein ſuch Laws were reſpectively made, inſerted in each Page, and a Liſt of ſuch Laws made at the End of each Seſſion, with the Page wherein they are Printed; all which the ſaid *Jonas Green* is hereby required and obliged to do, as well as all other Services herein before mentioned, for the yearly Salary aforeſaid.

Proviſo, in caſe of his Failure of Duty.

VI. **Provided always,** That it ſhall and may be lawful for the Sheriffs of the ſeveral and reſpective Counties, reſpectively, and they are hereby required not to pay to the ſaid *Jonas Green* the ſaid reſpective Sums of Money herein before mentioned, or any Part thereof, to be aſſeſſed and levied for his Uſe, for his Salary for this preſent or any future Year, during the Continuance of this Act, unleſs it ſhall be made appear to them, by a Certificate or Receipt from the Sheriff of *Anne-Arundel* County, for the Time being, that the Public Laws, and the Votes and Proceedings of this Seſſion, and every future Seſſion or Convention, during the Continuance of this Act, were printed and delivered to him within the reſpective Times herein before directed; any Thing herein before contained to the contrary, in any wiſe, notwithſtanding.

Laws and Votes to be forwarded as Public Letters.

VII. **And be it further Enacted,** That the ſeveral and reſpective Sheriffs within this Province, ſhall, and they are hereby directed and required to receive and forward the ſaid Laws, with the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral County Courts, and Members of each Houſe of Aſſembly, as Public Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty; to be recovered and applied in like Manner.

Duration.

VIII. This Act to continue till the Twenty-fifth Day of *December*, Seventeen Hundred and Sixty-ſeven.

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A Supplementary ACT to the Act, entitled, *An Act to prevent the Miſchiefs ariſing from the Multiplicity of uſeleſs Dogs, and other Purpoſes therein mentioned.*

Preamble.

WHEREAS it is repreſented, that, to People living in the Country, and having Families, Two Dogs at leaſt about one Plantation are on many Occaſions uſeful and neceſſary, and that therefore it is reaſonable to allow ſuch People Two Dogs to be kept Tax-free, and it is alſo found that the Tax laid by the Act to prevent the Miſchiefs ariſing from the Multiplicity of uſeleſs Dogs, and other Purpoſes therein mentioned, on Supernumerary Dogs, is not large enough to anſwer the good End deſigned, of reducing them:

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and*

and Lower Houses of Assembly, and the Authority of the same, That during the Continuance of the said recited Act, every Master, Mistress, or Head of a Family, not living within any City or Town within this Province, shall be allowed to own and keep Two Dogs, such as the said Act describes, at any one Plantation, Tax-free; and that for every other Dog, so owned or kept by any Master, Mistress, or Head of a Family, not being within any City or Town, as aforesaid; and also for every Dog, more than one, so owned or kept by any Master, Mistress, or Head of a Family living within any City or Town; and for every Dog so owned or kept by any single Person, not being a Freeholder, or having or keeping a Family there, shall be paid yearly, and every Year, Five Shillings, in Lieu and Stead of the One Shilling directed to be paid by the said recited Act. The said Five Shillings per Dog, so to be paid, to be levied, collected, and applied in the same Manner, and to the same Uses and Purposes, as the said One Shilling per Dog was by the said recited Act directed; any Thing in the said recited Act, or any other Law, Usage, or Custom to the contrary, notwithstanding.

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Heads of Families in the Country may keep Two Dogs Tax-free, &c. In a Town, One.

Other Dogs to be Taxed Five Shillings.

III. **And be it further Enacted**, *by the Authority aforesaid*, That it shall be the Duty of the Constables, and they are hereby directed and required, instead of taking and returning an Account of the Number of Dogs more than One, owned or kept by any Master, Mistress, or Head of a Family, in their respective Hundreds, to return only the Number of Dogs, more than Two, that shall be owned or kept by any Master, Mistress, or Head of a Family, at any one Plantation in their respective Hundreds, and not of such Families as are within any City or Town within this Province, the said recited Act to the contrary, notwithstanding.

Direction to Constables in taking in the Dog-Tax.

IV. **And whereas** it is represented, that the keeping of Fox-Hounds, for destroying Foxes, is useful and necessary, and that therefore they should be allowed to be kept Tax-free, provided the Owners will keep them either Coupled or Kenelled, and not suffer them to go loose and at large: **Be it therefore Enacted**, That notwithstanding any Thing in the before recited Act, or this Act, to the contrary, real Fox-Hounds shall be hereafter exempt from Tax; and it shall not be the Duty of the Owners to give them in, or of the Constable to return them.

Fox-Hounds may be kept free from Tax.

V. **And be it further Enacted**, That if any such Fox-Hound shall be found uncoupled, and running at large, out of the Limits of the Land of the Owner of such Hound, unless when the Owner, or some other Person, by his Permission, is hunting with them, such Owner shall forfeit and pay Two Shillings and Six-pence for every such Offence, to be recovered before a single Justice of the Peace, by Warrant, with Cost. The said Forfeiture to be paid to the Justice before whom it is recovered, and by him paid to the Sheriff of the County, for the same Use as the Taxes raised by this, and the before recited Act, are applied.

In case of Fox-Hounds running at large, except, &c.

VI. **And be it also Enacted**, That if any such Fox-Hound, so as aforesaid, running at large, shall kill or hurt any Sheep, or shall be found killing or worrying, running after and pursuing any Sheep, Hogs, or other Stock, such Hound may be immediately killed with Impunity, and the Owner of such Hound shall be liable to an Action by the Party grieved, to recover his Damages against such Owner, for such Injury done, and full Costs of Suit.

Hounds doing Damage, may be kill'd, and the Owner to pay Damages.

VII. **And be it further Enacted**, That every single Person, of the Age of Twenty-one Years, being a Freeholder, and not having or keeping a Family, shall be allowed to keep One Dog Tax-free, any Thing in the aforesaid recited Act to the contrary notwithstanding.

Single Freeholders allow'd One Dog.

VIII. This Act to continue, and be in Force for and during the Continuance of the before recited Act, and no longer.

Duration.

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CHAP. XXVI.

An ACT impowering the Juſtices of *Frederick* County, to levy on the Taxable Inhabitants of ſaid County, a Quantity of Tobacco, for building a Stone-Wall around the Public Priſon in ſaid County, and for other Purpoſes therein mentioned.

Preamble.

WHEREAS it is repreſented to this preſent General Aſſembly, that the Public Priſon in *Frederick* County, is at preſent very inſecure, and that frequent Eſcapes happen, which might be prevented by building a Stone-Wall quite round the ſaid Priſon, and a Houſe at the Gate thereof for the Jailor to live in; and that ſuch Yard would contribute much to the Health of the Priſoners:

30,000 lb of Tobacco to be levied in *Frederick* County, for Building a Wall, and a Jailor's Houſe.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That it ſhall and may be lawful, and the Juſtices of *Frederick* County are hereby authorized, impowered, and required, at *November* Adjourned Court, to levy on the Taxable Inhabitants of the ſaid County, a Quantity, not exceeding Thirty Thouſand Pounds of Tobacco, excluſive of the Sheriff's Salary of Five *per Centum* for collecting the ſame, to be paid in ſuch Manner as other Public and County Levies are now paid and diſcharged, for the building and compleating a good and ſufficient Stone-Wall around the ſaid Priſon, and a Houſe at the Gate thereof for the Jailor to live in, of ſuch Dimenſions as the ſaid Juſtices ſhall in Court direct: And the ſaid Juſtices are by this Act alſo impowered and required, at *March* or *June* Court next, to contract with ſome proper Perſon or Perſons, for the undertaking and performing the Work aforeſaid, and to take a Bond from ſuch Contractor or Undertaker, with good Security, in a ſufficient Penalty, at the Diſcretion of the ſaid Juſtices, payable to the Right Honourable the Lord Proprietary, Conditioned, for the well and ſufficient compleating and finiſhing the ſaid Work, as aforeſaid.

The Juſtices to agree for the ſame.

CHAP. XXVII.

A Supplementary ACT to the Act, entitled, *An Act for Amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.*

Preamble.

IT being repreſented to this General Aſſembly, That the Continuance of the Warehouſe at *John Holland*'s, at *Bohemia* Ferry, in *Cæcil* County; at *Annapolis*, and *Sprigg*'s Point, in *Anne-Arundel* County; and at the Fork of *Gunpowder*, in *Baltimore* County; is not neceſſary or uſeful to the People:

Four Warehouſes ſuppreſs'd.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Warehouſes aforeſaid, at *John Holland*'s, at *Bohemia* Ferry, in *Cæcil* County; at *Annapolis*, and *Sprigg's* Point, in *Anne-Arundel* County; and at the Fork of *Gunpowder*, in *Baltimore* County; ſhall be, and they are hereby ſuppreſſed, to all Intents and Purpoſes; and that the Inſpector or Inſpectors, if any appointed to attend the ſaid Warehouſes reſpectively, are diſcharged from his or their Attendance thereon, to every Purpoſe, but to deliver out ſuch Tobacco as may now be in the ſaid Warehouſes, or either of them; but that the Inſpectors at *Pig-Point* Warehouſe ſhall have the ſame Salary for that Warehouſe, as if they ſtill attended *Sprigg*'s Point Warehouſe alſo; and that the Inſpectors at *Joppa* Warehouſe, ſhall have the ſame Salary for that Warehouſe, as if they attended at the *Fork* Warehouſe alſo.

Reſpecting ſome of the Inſpectors Salaries.

III. And

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III. And whereas, it is thought as safe, and more easy to the People, that several Warehouses, which by the said recited Act, are under the Care of Two Inspectors, should hereafter have but One Inspector at each House: Be it Enacted, That at the next Return of Inspectors by the Vestries, and always afterwards, during the Continuance of the above recited Act, the Vestry of *Chester* Parish, in *Kent* County, shall return but Two Inspectors for the Warehouse on *Worton* Creek, in the said County, One of which only shall serve at the said Warehouse, and shall be paid the Salary of Four Thousand Eight Hundred Pounds of Tobacco, and the Vestry of *St. Luke's* Parish, in *Queen-Anne's* County, shall return but Two Inspectors for *Wells's* Warehouse, in the said County, One of which only shall serve for the said Warehouse; and shall be obliged to attend on the Mondays and Tuesdays in each Week only, except particularly required, and be paid the Salary of Four Thousand Eight Hundred Pounds of Tobacco: And that the several Vestries, who by the said recited Act, are to return Inspectors for the Warehouses at *King's-Town*, *Parson's* Landing, *Emerson's* Landing, *Bruff's* Landing, at *Sherwood's* Landing upon *Broad-Creek*, and at *Oxford*, in *Talbot* County, shall return but Two Inspectors for each of the said Warehouses, One of which only shall serve at the said Warehouses, and be paid the Salaries hereafter mentioned: To the Inspector at *King's-Town* Warehouse, Six Thousand Four Hundred Pounds of Tobacco: To the Inspector at *Parson's* Landing, Six Thousand Four Hundred Pounds of Tobacco: To the Inspector at *Emerson's* Landing Warehouse, Nine Thousand Six Hundred Pounds of Tobacco: To the Inspector at *Bruff's* Landing Warehouse, Seven Thousand Two Hundred Pounds of Tobacco: To the Inspector at *Sherwood's* Landing Warehouse on *Broad-Creek*, Six Thousand Four Hundred Pounds of Tobacco: And, To the Inspector at *Oxford* Warehouse, Eight Thousand Pounds of Tobacco.

Sundry Warehouses, who had Two Inspectors, to have but One for the future.

Salaries.

IV. And be it Enacted, That in Case of the Sickness, or other Inability of any one of the said Inspectors to attend his Duty, it shall and may be lawful for him, and he is hereby required to nominate and appoint one other Person, being a Planter, and well skilled in Tobacco, to act in his Room, during the Time the said Inspector shall be unable to attend; the said Person, so appointed, first taking the Oath of Office, and other Oaths, or Affirmation, if a Quaker, as are directed by the above-recited Act to be taken by Inspectors; and subscribing the Oath of Abjuration, and repeating and subscribing the Test. And the said Inspector, and his Sureties, shall be answerable for the Tobacco Inspected and Passed by the Person so by him appointed, in the same Manner as if he had personally officiated.

In case of an Inspector's Sickness, &c. he is to appoint, &c.

V. And whereas, it has been represented to this General Assembly, That the Salaries allowed by the above-recited Act, to the Inspectors at *Pomunkey* and *Chickamuxon* Warehouses, in *Charles* County, and at the Warehouses at *Wiccomico*, and on *Gilbert Mackey's* Plantation in *St. Mary's* County, and at the *Elk-Ridge* Landing, and *Indian* Landing, in *Anne-Arundel* County, are too small, and inadequate to their Care and Trouble, in their Office of Inspectors: Be it Enacted, *by the Authority, Advice, and Consent aforesaid*, That for this present Year, and for every future Year, during the Continuance of the above recited Act, there shall be allowed and paid, to each of the Inspectors at the Warehouses aforesaid, the Sum of Eight Hundred Pounds of Tobacco, over and above the Salaries allowed to them by the Act aforesaid; which said Sum of Eight Hundred Pounds of Tobacco, to each of the Inspectors at *Pamunkey* and *Chickamuxon*, and at *Wiccocomico*, and on *Gilbert Mackey's* Plantation, and at *Elk-Ridge* Landing, and *Indian* Landing Warehouses aforesaid, shall be allowed and paid in the same Manner as Inspectors Salaries are allowed and paid by the said Act.

Some Inspectors Salaries raised.

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Inspector's Salary at *New-Port* lessen'd.

VI. And it is further represented to this General Assembly, That the Salary allowed by the above recited Act, to the Inspector at *New-Port* Warehouse, in *Worcester* County, is too large for the Quantity of Tobacco that comes to the said Warehouse: Be it Enacted, *by the Authority, Advice, and Consent aforesaid*, That there shall be allowed and paid to the Inspector at *New-Port* Warehouse, who shall be obliged to attend the Mondays and Tuesdays in each Week, and oftener, if required, the Sum of Three Thousand Two Hundred Pounds of Tobacco, in full for his Salary as Inspector at said Warehouse; which Sum of Tobacco shall be allowed and paid, as other Inspectors Salaries are in the aforesaid Act; any Thing therein contained to the contrary, notwithstanding.

If he refuses to continue, another to be chosen.

VII. And be it further Enacted, That in case the Inspector already nominated and recommended by the Vestry, shall refuse to serve as Inspector at the above-mentioned Warehouse, it shall and may be lawful for the Person so refusing, to signify the same, under his Hand, to the Vestry of the said Parish where the Refusal shall be, or any Two of the Vestrymen, within Ten Days after the End of this Session of Assembly, who shall, within Ten Days after such Notice given them, proceed to chuse other Inspector to serve at the said Warehouse, in Manner and Form as is directed by the aforesaid recited Act, in the Place and Stead of such Person so refusing as aforesaid.

Penalty for carrying Tobacco away from any Warehouse, after it has been refus'd by the Inspector.

VIII. And whereas, it is represented to this present General Assembly, That it has been the Practice of some Planters, after their Tobacco has been carried to the Warehouses to be Inspected, and the Inspectors have examined and refused to pass the same, to carry such their Tobacco away from the said Warehouses, either secretly, or by Force, to some other Warehouses, to get it passed, and no Penalty is by Law imposed on such Offenders: Be it therefore Enacted, That if any Person or Persons shall bring any Hogshead, or Number of Hogsheads of Tobacco, to any of the Warehouses appointed by Law to receive the same, and shall offer them, or any of them to the Inspector, to be by him received and inspected, and the said Inspector shall refuse to pass them, or any of them, and the Owner or Owners of the said Tobacco, or some other Person or Persons, by his, her, or their Privity or Procurement, shall either secretly or openly, carry the said Tobacco, or any Part thereof, away from the said Warehouse, before the same has been viewed and passed according to Law, the said Owner or Owners, shall forfeit and pay the Quantity of Sixteen Hundred Pounds of Tobacco for every Hogshead of Tobacco so carried away; to be recovered and applied, as by the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees*, is directed.

Frederick and *George-Town* Warehouses made Two Inspections.

IX. And whereas, by the said recited Act, the Warehouses at *Frederick-Town*, in *Cæcil* County, and at *George-Town*, in *Kent* County, were put under one Inspection, by Two Inspectors, one out of each Parish in which the Houses respectively stand; and, as much more Tobacco is brought to one, than the other, it is found desirable to put the said Warehouses under separate Inspectors, with only One Inspector at each House: Be it therefore Enacted, That upon the next Election of Inspectors for the said Two Warehouses, the Vestry of *St. Stephen*'s Parish, in *Cæcil* County, shall return Two Inspectors, One of which only shall serve at *Frederick-Town* Warehouse singly; and the Vestry of *Shrewsbury* Parish shall return Two Inspectors for *George-Town* Warehouse, One of which only shall serve at the said House singly. And the Inspector that shall serve at *Frederick-Town*, shall be paid the Salary of Seven Thousand Two Hundred Pounds of Tobacco; and the Inspector that shall serve at *George-Town* Warehouse, shall be

Inspector's Salaries.

be paid the Salary of Four Thouſand Eight Hundred Pounds of Tobacco, and no more; any Thing in the before recited Act to the contrary notwithſtanding. CHAP. XXVII.

X. And be it further Enacted, That in any Caſe where by this Act the Houſes are put under the Care of One Inſpector inſtead of Two, if both Inſpectors that ſerved the then laſt Year ſhall be returned by the Veſtry, the One ſhall ſerve which the Governor or Commander in Chief ſhall, by Warrant under his Hand, appoint; any Thing in the before recited Act to the contrary, notwithſtanding. In caſe where Inſpections are put under One, inſtead of Two Inſpectors.

XI. This Act to continue for and during the Continuance of the before recited Act, and no longer. Duration.

CHAP. XXVIII.

An ACT for the Relief of certain Languiſhing Priſoners in the ſeveral Goals therein mentioned.

WHEREAS *Jonathan Hollings*, *William Lancaſter*, *William Cunning*, *William Gudgeon*, *Samuel Roberts*, *William Douglaſs*, *John M'Cay*, *William Murdo*, and *Moſes Frampton*, of *Cæcil* County; *Lambert Wilſon*, *Daniel Norris*, *James Thompſon*, *James Jackſon*, *Thomas Knock*, *Murten Mellan*, *Edward M'Cann*, and *William Lovegrove*, of *Kent* County; *James Barron*, of *Talbot* County; *Anthony Dunlevey*, *James Clarkſon*, *David Clark*, *Clement Woodward*, *John Meſſick*, *M'Kiel Howell*, *Samuel Alcock*, and *Iſaac Cullin*, of *Dorcheſter* County; *William Gullett*, *Edward Fitzgerald*, *Eleanor Barklett*, *Andrew Hemphill*, *William Miles*, and *Aaron Speer*, of *Somerſet* County; *David Murry*, *Gideon Jones*, *Charles Collins*, *John Onions*, *Joſhua Rogers*, and *Robert Pitts*, of *Worceſter* County; *Thomas Goldſmith*, *George Bealle*, *William Aſkew*, *Mary Hicks*, *Joſeph Lowman*, *George Cowin*, and *Samuel Creſwell*, of *Baltimore* County; *Thomas Mobberley*, Junior, *Henry Warman*, *John Adams*, and *John Seclew*, of *Anne-Arundel* County; *Richard Clark*, *Richard Scott*, *Robert Lamar*, *John Davis*, *Eraſmus Bekias*, and *Adam Wychall*, of *Frederick* County; *Solomon Hardy*, and *William Denune*, of *Prince-George's* County; *John Fulford*, *Ignatius Green*, *Thomas Roberts*, and *James Alexander*, of *Charles* County; *John Journey*, of *Calvert* County; and *James Smith*, of *St. Mary's* County; by their Petitions to this preſent General Aſſembly, have ſet forth, That they have reſpectively continued Priſoners for Debt, in the Cuſtody of the Sheriffs of the reſpective Counties aforeſaid, for a conſiderable Time paſt, and ſtill continue in the like deplorable Circumſtances, not being able to redeem their Bodies with all the Eſtate or Intereſt they have in the World, which they would readily ſurrender up and part with to their ſeveral and reſpective Creditors, if they would accept of the ſame, and grant the ſaid Petitioners their Liberty, which ſeems ſo unlikely for them to obtain, that (unleſs reliev'd by a particular Act to be paſſed in their Favour, which by their ſaid Petitions they have humbly prayed) they muſt inevitably continue Priſoners for Life; and, as the Allegations of the ſaid Petitioners appear to this General Aſſembly to be true, and that their lying in Goal can be of no Advantage to their Creditors, it is humbly prayed that the ſaid Petitioners may be relieved according to their Prayers, and that it may be Enacted; Preamble, with the Names of the Priſoners relieved by this Act.

II. And be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That in caſe the ſaid Priſoners ſhall deliver up and ſurrender, or cauſe to be delivered up and ſurrendered to the Sheriffs of the reſpective Counties aforeſaid, in the Preſence of Two Juſtices of the Peace of the Counties aforeſaid, whom the ſaid Priſoners to be diſcharged on delivering up their Effects, on Oath.

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ſaid Sheriffs are hereby required to ſummon, at the Requeſt of the ſaid Priſoners, at ſome convenient Time after the Receipt of this Act, not exceeding Five Days, all their Real and Perſonal Eſtate, either in Poſſeſſion, Reverſion, Remainder, or in Truſt, or in or unto which they have any Claim or Intereſt whatſoever, and likewiſe before the Day before-mentioned, convey, aſſign, transfer, and make over unto the Sheriffs, reſpectively, for the Uſe of the ſaid Creditors, all ſuch their Eſtate, Intereſt, or Claim as aforeſaid, after ſuch Manner, as by the ſaid Sheriffs, and by the major Part of ſuch Creditors, or of ſuch of them as ſhall think fit to direct therein, or their Counſel learned in the Law, ſhall reaſonably deviſe or require, at the Coſts and Charges of the Perſons who ſhall claim Benefit thereof, ſo that the ſaid Priſoners be not burthened with any Warrantees thereby, other than againſt themſelves, or thoſe claiming by, from, or under them, and that the ſaid Priſoners, at the Time of ſuch their Surrender, and transferring their Eſtate as aforeſaid, ſhall take their ſolemn Oaths (or Affirmation if Quakers) before the ſaid Two Juſtices aforeſaid, to the Effect following, *viz.* "*I* A B. *do Affirm, or ſolemnly Swear, That the Goods, Debts and Effects, which I have delivered, aſſigned, and made over to the Sheriff of* ——— *County, and in Truſt for the Uſe of my Creditors, is the whole Eſtate both Real and Perſonal of my own in Poſſeſſion, or that I have any Title to in the World, and that I have not any Eſtate, Goods, or Effects of any Kind whatſoever, left either in Poſſeſſion, Reverſion, or Remainder, (the neceſſary Wearing Apparel of myſelf, Wife, and Children, and Working Tools, excepted) and that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted, all or any Part of my Eſtate, thereby to defraud my Creditors, or to ſecure the ſame, to receive or expect any Profit or Advantage thereof.* So help me GOD:" It ſhall and may be lawful for the Sheriffs of the Counties aforeſaid, after the End of the ſaid Five Days, and they are hereby required to diſcharge the ſaid Priſoners, and ſuffer them to go at large.

The Oath.

To be diſcharged from future Arreſts on Appearance, &c.

III. **And be it further Enacted**, That if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs ſued out on any Judgment or Decree obtained againſt any of them, for any Debt, Damages or Coſts contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court out of which ſuch Proceſs iſſued, ſhall and may diſcharge ſuch Priſoner, on Motion. And if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned on any Proceſs, for the Recovery of any Debt, Damages, or Coſts contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court or Juſtice before whom ſuch Proceſs ſhall be returned, ſhall and may diſcharge the Party arreſted out of Cuſtody, on his or her common Appearance being entered without any ſpecial Bail. Provided, That the Diſcharge of the ſaid Priſoners, or any of them, ſhall not acquit any other Perſon from ſuch Debt, Damage, or Coſt, or any Part thereof; but that all ſuch Perſons ſhall be anſwerable for the ſame, in ſuch Manner as they were before the paſſing this Act.

Debts to ſtand good in Caſe, &c.

IV. **Provided always, and be it Enacted**, *by the Authority aforeſaid*, That notwithſtanding the Diſcharge of the ſaid Priſoners, or any of them, all and every Debt or Debts, due and owing from him, her or them, and all and every Judgment had, or Decree obtained, againſt him, her, or them, ſhall ſtand and be good and effectual in Law, to all Intents and Purpoſes, againſt the Lands, Tenements and Hereditaments, Goods and Chattels, of him, her, or them, and which he, ſhe or they, or any other Perſon in Truſt for the Uſe of him, her, or them, had at the Time of the Diſcharge of the ſaid Priſoners, or any of them, or which he, ſhe, or they, at any Time hereafter, ſhall or may be any Way ſeized or poſſeſſed of, or intereſted in, to his, her, or their own Uſe, or in his, her or their own proper Right, either in

in Law or Equity, (except the Wearing Apparel, Bedding, and Working Tools, of him, her, or them, not exceeding the Sum of Ten Pounds Current Money) and it ſhall and may be lawful for any of their Creditors, their Executors, Adminiſtrators or Aſſigns, to take out new Execution, or Executions, without any *Scire facias* previous thereto, againſt the Lands, Tenements or other Hereditaments, Goods, and Chattels of the ſaid Priſoners, or any of them, (except as before excepted) for the Satisfaction of his, her, or their Debts, in ſuch Sort, Manner, and Form, as he, ſhe or they might have done, if the ſaid Priſoners, or any of them, had not been taken in Execution, or diſcharged, by virtue of this Act. CHAP. XXVIII.

V. **And be it further Enacted**, *by the Authority aforeſaid*, That if any Action of Eſcape be brought againſt any Sheriff, or any Suit or Action, againſt any Juſtice or Juſtices, for their performing their Duty in purſuance of this Act, he or they may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence; and if the Plaintiff be non-ſuit, or diſcontinue his Action, or Verdict paſs againſt ſuch Plaintiff, or Judgment upon Demurrer, the Defendant ſhall have and recover double Coſts. Actions of Eſcape.

VI. **Provided alſo**, That nothing in this Act ſhall extend, or be conſtrued to extend, to bar any Creditor or Creditors of the before-mentioned Priſoners, from having and maintaining any Action of Eſcape againſt any Sheriff, who hath permitted any Eſcape before the making this Act. Proviſo, as to Eſcape.

VII. **Provided nevertheleſs**, That in caſe any of the ſaid Priſoners, ſhall at any Time after making ſuch Oath or Affirmation as aforeſaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenor of ſuch Oath, or Affirmation, as aforeſaid, that then the ſaid Priſoner, ſhall upon ſuch Conviction as aforeſaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and ſhall, from thenceforth, be liable to be proſecuted for any Debt or Demands whatſoever, in the ſame Manner as if this Act had never been made; any Thing to the contrary notwithſtanding. In caſe of Perjury.

VIII. **Provided alſo**, That the reſpective Sheriffs of the Counties aforeſaid, ſhall be firſt paid and ſatisfied for their Impriſonment Fees, before any Creditor or Creditors ſhall have or receive any Share or Part of the Eſtates of the ſaid Priſoners, reſpectively, or of the Produce thereof. Sheriffs Fees to be firſt paid.

IX. **And be it further Enacted**, That after Public Notice given, by Advertiſements ſet up at the Court-Houſe Door of the County, Thirty Days at the leaſt, of the Sale of any of the ſaid Priſoners Lands, and Five Days at the leaſt, of the Sale of any of the ſaid Priſoners other Eſtate, the ſaid Sheriffs, to whom any of the ſaid Eſtates, Real or Perſonal, ſhall be ſurrendered and delivered up in purſuance of this Act, ſhall ſet up and expoſe ſuch Eſtates to Sale, by way of Public Vendue, in the Preſence of One Juſtice of the Peace, and the Produce ariſing by ſuch Sale, ſhall be, by the ſaid Sheriffs, in Manner following paid and ſatisfied, (that is to ſay) after Satisfaction of the aforeſaid Impriſonment Fees, that the Eſtate and Intereſt of the aforeſaid Priſoners reſpectively, upon which their Judgment Creditors, or any claiming, or that ſhall claim under them, by Aſſignment or otherwiſe, have or ſhall have any Lien or the Produce thereof, ſhall be, in the firſt Place, after Satisfaction of the Sheriffs as aforeſaid, applied to the Diſcharge of the ſaid Creditors, according to the Order and Priority of their Judgments, and the Lien ariſing therefrom; and that the Reſidue of the Eſtate and Intereſt of the ſaid Priſoners reſpectively, or the Produce thereof, ſhall be diſtributed among all their Creditors that ſhall apply therefor, with- Notice to be given of the Sale of the Priſoners Eſtates, &c.

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in Thirty Days after the aforesaid Sale, in equal Proportion to their Demands.

Bonds, &c. belonging to the Prisoners to be assigned to the Sheriff.

X. And be it further Enacted, That all the Accounts, Bonds, Notes, and other Demands, which any of the said Prisoners have against any Person or Persons whatsoever, shall be by the said Prisoner or Prisoners assigned to the Sheriff in whose Custody such Prisoner or Prisoners shall be, at the Time of their Discharge, and that such Sheriff or Sheriffs, shall and may maintain an Action or Actions on such Demands, as Assignee of such Prisoner or Prisoners, in his own Name. *Provided always*, That such Creditor or Creditors, require and demand such Sheriff to sue, and give to such Sheriff a Bond to indemnify him against any Charge that may accrue to him by means of any such Suit; and, in case of Recovery, that then the Sheriff make Distribution of what shall be recovered, to the Person or Persons giving him such Security as aforesaid.

Prisoners, if Single, to be sold for Five Years.

XI. And be it Enacted, *by the Authority aforesaid*, That if any of the Persons intended to be relieved by this Act, are and shall be of sufficient Ability of Body to Labour, such Person or Persons, not having a Wife or Family, shall be, and are hereby obliged to serve for a Time not exceeding Five Years, to any Person or Persons, who are, or shall be inclined to purchase the Time or Servitude of such Debtor or Debtors; and that the respective Sheriffs, in whose Custody the aforesaid Debtors or any of them are, be and are hereby authorized and obliged, to summon Two Justices of the Peace in the respective Counties, at the Request of the said Prisoners, as soon as conveniently may be after the Receipt of this Act, and after giving Five Days Notice at the Court-houses of the respective Counties, of the intended Sale of such Debtor or Debtors, expose to Sale in the Presence of the said Justices, such Debtor or Debtors, and the Time of his or their Servitude, to the highest Bidder; and the Money arising from such Sale, shall be as Effects of such Debtor or Debtors, in the Hands of the respective Sheriffs, subject as aforesaid, to a Distribution in Manner aforesaid; and the Sale and Service of such Debtor or Debtors as aforesaid, is hereby directed to be taken as a full and sufficient Acquittal and Discharge against all Debts due from such Debtor or Debtors, before such Sale: Provided, that in case it shall appear to the Satisfaction of the said Justices, that any of the said Debtors have offered, since their Confinement, to make Satisfaction to their Creditors by Servitude, and that their Creditors have refused to accept the same, that the Time such Debtors have been confined in Prison, shall be deemed and taken as Part of the aforesaid Five Years, and that they shall be obliged to serve only for such Time as will compleat Five Years from the Day of their Commitment to Prison: And that in case any such single Persons as aforesaid, have been confined in Prison for Five Years, or any longer Time, that the said Persons so confined, shall be discharged upon the same Terms, and in the same Manner, that Persons having Families are by this Act directed to be discharged.

CHAP. XXIX.

An ACT to aid Defective Common Recoveries.

Preamble.

WHEREAS many valuable Lands are held by the present Possessors, under Common Recoveries suffered by Tenants in Tail, and, in many Instances those Recoveries, although now grown Common Conveyances in this Province, have been so inartificially and defectively drawn, suffered, and executed, that the same are not aided by the beneficial and useful Provisions of the late Statute, entitled, *An Act to amend the Law concerning Common Recoveries*, and to explain and amend an Act made in the Twenty-ninth Year of the Reign of King *Charles* the Second, entitled, *An Act*

Act for Prevention of Frauds and Perjuries, so far as the same relates to Estates, per auter Vie. To remedy therefore such defective Recoveries, and secure the Titles and quiet the Possessions of those who do, and may hold under them: CHAP. XXIX.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all Common Recoveries heretofore suffered in the Provincial Court of this Province, by Consent and Agreement of the Parties thereto, shall be good and available in Law to all Intents and Purposes whatsoever, to dock and cut off any Estate Tail in any of the Parties thereto, and bar the Issue in Tail, who can, could, or might claim, as Heir of the Body or Bodies of any of the Parties thereto, and also to bar those in Reversion or Remainder, who can, could, or might claim in Default of Issue of the Body or Bodies of any of the Parties to such Recoveries, in the same Manner as if such Recoveries had been legally and formally suffered and executed, notwithstanding the Tenant to the Writ in any such Recovery was not Tenant of the Freehold at the Time of Judgment rendered, or any other Defect in drawing, suffering, or executing any of the said Recoveries: Provided, That some One or more of the Parties to such Recovery, at the Time of such Judgment, was actual Tenant of the Freehold in the Manors, Lands, Tenements or Hereditaments recovered, and the Persons, or some of them joining in such Recovery, had a sufficient Estate and Power to suffer the same. All Common Recoveries heretofore suffered, to be good in Law: Proviso.

III. **And be it Enacted**, That where any Person or Persons heretofore gaining an Estate in Fee-Simple, or who shall hereafter gain an Estate in Fee-Simple, in any Lands, Tenements or Hereditaments within this Province, by, or under any Common Recovery suffered, or hereafter to be suffered, hath, or have conveyed away, or shall hereafter convey away such Lands, Tenements, or Hereditaments, before the Execution of such Recoveries, or before any Entry made therein by the Recoveror, such Conveyances shall be as good and available to bar the Vendors and their Heirs, and all Persons claiming by, from, or under them, as if the said Recoveries had been executed, or the Recoverors therein had entered into the said Lands, Tenements, or Hereditaments, before such Conveyance or Conveyances thereof made; any Law to the contrary thereof notwithstanding. Persons gaining Fee-Simple Estates under Common Recovery, &c.

CHAP. XXX.

An ACT to remove a Nusance in *Baltimore-Town*, in *Baltimore* County; and for other Purposes therein mentioned.

WHEREAS the Inhabitants of *Baltimore-Town*, in *Baltimore* County, have, by their humble Petition to this General Assembly, set forth, That a large Miry Marsh, adjoining the said Town, is, by the noxious Vapours, and putrid Effluvia arising therefrom, very prejudicial to the Health of its Inhabitants; and that the Proprietors of the said Marsh have, by their Perverseness or Dilatoriness, hitherto refused or neglected to remove the said Nusance, and that the said Nusance cannot be removed otherwise, than by changing the Surface of the said Marsh into firm and dry Ground. And, as the Allegations of the said Petitioners appear to this General Assembly to be true: Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*; That *Thomas Harrison*, *Alexander Lawson*, and *Brian Philpot*, of *Baltimore* County, the present

CHAP. XXX.

present Poſſeſſors and Owners of the ſaid Marſh, ſhall and may have Liberty to remove the ſaid Nuſance, at their own proper Expence, provided they comply with the Directions and Requiſites in this Act hereafter mentioned: *(That is to ſay)* That the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, within the Space of One Month next after the End of this preſent Seſſion of Aſſembly, ſhall reſpectively make their Election and Determination, whether they will undertake effectually to remove the aforeſaid Nuſance, at their own proper Expence and Charges; and, in caſe the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, ſhall, within the Time aforeſaid limited elect, and determine to remove the ſaid Nuſance, at their own proper Expence and Charges, that then, the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, ſhall, within the ſaid Time, enter into, and execute ſeparate Bonds, with Two ſufficient Securities, to be approved of by *Robert Alexander*, *John Smith*, *William Smith*, *Jonathan Plowman*, *William Speer*, *Andrew Stygar*, *Charles Ridgely*, Junior, *John Merryman*, Junior, and *Benjamin Griffith*, or the major Part of them, who ſhall be, and are hereby appointed Commiſſioners to execute the Powers and Directions herein after limited and expreſſed, in the Penalty of Twenty Pounds Sterling for every Acre of Marſh to be made firm Ground by each of them, as herein after directed, payable unto the Right Honourable the Lord Proprietary, with the following Condition: "Whereas the ſaid "is ſeized and poſſeſſed of Acres of Marſhy Ground, adjoining to *Baltimore-Town*, which, in its preſent Situation, is a great Nuſance "to the Inhabitants of the ſaid Town: Now, the Condition of the above "Obligation is ſuch, That if the ſaid ſhall, within Two "Years from the Date hereof, well and ſufficiently remove the ſaid Nu"ſance, by wharfing in all ſuch Marſhy Ground, next the Water, with a "good and ſufficient Stone-Wall, not leſs than Two Feet thick, and Two "Feet high at the leaſt from the Level of the Heighth of the common "Flood-Tides, or with hewed Logs of the ſame Heighth at leaſt from the "Level of the common Flood-Tides, and ſhall make the ſame ſufficiently "firm and compleat, to prevent any Sand, Gravel, or Dirt, from waſhing "through the ſame into the Water; and ſhall alſo well and ſufficiently co"ver all ſuch Marſhy Ground with Stones, Gravel, Sand, or Dirt, ſo as "to raiſe the ſame, not leſs than Two Feet above the Level of the com"mon Flood-Tides as aforeſaid, and make and render the whole ſufficiently "firm, then the above Obligation to be void, elſe to be and remain in full "Force and Virtue in Law."

Proprietors to a Marſh in *Baltimore-Town*, to make it into firm Ground.

Bond to be enter'd into for Performance.

III. **And be it further Enacted**, That the Commiſſioners aforeſaid, or the major Part of them, ſhall and may, at ſome convenient Time before the laſt Day of *February* next, cauſe all the ſaid Marſhy Ground to be laid out into diſtinct Lots, each Lot not to contain more than One Eighth Part of an Acre, leaving ſuch convenient Streets, Lanes and Alleys, as to the ſaid Commiſſioners, or the major Part of them, ſhall ſeem meet; and that in caſe the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, or either of them, ſhall neglect or refuſe, within the ſaid Time of One Calendar Month, from and after the End of this preſent Seſſion of Aſſembly, to make ſuch Election or Determination, or to execute ſuch Bond as aforeſaid, the ſaid Commiſſioners, or the major Part of them, ſhall ſell and diſpoſe of the ſaid Lots, within Six Months next after the Neglect or Refuſal of the aforeſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, reſpectively, as aforeſaid, to the higheſt Bidder, firſt giving Notice of ſuch Sale in the *Maryland* and *Pennſylvania* GAZETTES, Sixty Days at the leaſt before the ſame.

Elſe to be laid out into Lots, and Sold:

IV. **And be it further Enacted**, That when the Commiſſioners aforeſaid ſhall have ſurveyed and laid out the ſaid Marſhy Ground into Lots, it ſhall be, and is hereby declared to be Part of *Baltimore-Town* aforeſaid, to all Intents

And to be Part of the Town.

tents and Purposes whatsoever, as fully and amply as if included originally therein, and have the same Immunities and Privileges as the rest of the said Town have, or by former Laws ought to have. CHAP. XXX.

IV. **And it is hereby further Enacted**, That upon the Sale of any such Parts or Parcels of Ground as aforesaid, the said Commissioners, or the major Part of them, shall have full Power to make and execute sufficient Conveyances in the Law, for securing to the Purchasers a good and sufficient Title in Fee-Simple to the said Lots or Parcels of Ground, which said Conveyances shall be upon an express Condition, That in case the Purchasers of such Lots or Parcels of Ground, shall not, within Eighteen Calendar Months next after the Date of such Conveyances, well and sufficiently wharf in, and secure all such Marshy Ground next the Water, so by them respectively purchased, with a good and sufficient Stone-Wall, not less than Two Feet thick, and Two Feet high at the least from the Level of the Heighth of the common Flood-Tides, or with hewed Logs of the same Heighth at least from the Level of the common Flood-Tides, and shall not make the same sufficiently firm and compleat, to prevent any Sand, Gravel, or Dirt, from washing through the same into the Water, and also well and sufficiently cover all such Marshy Ground, so by them respectively purchased, with Gravel, Sand, Dirt, or Stone, so as to raise the same not less than the said Heighth above the said Level, and make and render the whole sufficiently firm and secure to erect any Buildings thereon, that then it shall and may be lawful for the said Commissioners, or the major Part of them, to re-enter, and the same to have again.

Commissioners Power to make sufficient Conveyances:

On Condition.

V. **And be it further Enacted**, That all and every Person or Persons whatsoever, purchasing any Lot or Lots of Ground from the Commissioners, or the major Part of them aforesaid, and all claiming by, from, or under such Purchaser or Purchasers, shall have free Liberty of passing and repassing, by themselves, and their Servants and Slaves, with Carts, Horses and Carriages of all Sorts, over all Parts of the said Marsh, to the Part so purchased, until the First Day of *January* which shall be in the Year One Thousand Seven Hundred and Sixty-nine.

Purchasers to have Liberty to pass thereon with Carriages, &c.

VI. **And whereas**, sundry Persons hold small Parts of the said Miry Marsh by Lease, for Life or Years, from the said *Thomas Harrison*, rendering an annual Rent for the same: **Be it Enacted**, That unless the said Lessees of the said *Thomas Harrison*, or their Assignees, shall within One Month next after the End of this Session of Assembly, enter into such Bond, with Security as aforesaid, for making dry and firm Ground of the Parts of the said Marsh to them respectively leased, that then the said *Thomas Harrison* shall and may have Leave to make the same into dry and firm Ground, as aforesaid: And the Rents reserved on such Ground shall be so much further increased, as the said Commissioners, or the major Part of them, shall award: And, for the Recovery of such additional Rent, the said *Thomas Harrison*, his Heirs, Executors, Administrators and Assigns, shall and may have the like Remedy, as if the same had been reserved on, or by the said respective Leases or Demises.

The present Lessees to make dry Ground of their Parts.

VII. **And be it further Enacted**, That the Commissioners aforesaid, and every of them shall, and they are hereby required before they enter upon the Execution of their Trust, to take the following Oath, *viz.* "You *A. B.* "as one of the Commissioners appointed by the Act, entitled, *An Act to* "*remove a Nusance in* Baltimore-Town, *in* Baltimore *County, and for other* "*Purposes therein mentioned*, shall, in all Things, faithfully and impartially "execute the Powers given you by the said Act, according to the best of "your Skill and Knowledge: So help you GOD."

Commissioners to be Sworn.

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The Purchaſe Money to be paid immediately.

VIII. And be it further Enacted, That all and every Sum and Sums of Money which ſhall be received by the Commiſſioners for the Sale of the ſaid Marſhy Ground as aforeſaid, ſhall be paid immediately to the reſpective Proprietors of the ſame.

In caſe of Purchaſers Non compliance.

IX. And for the better effectuating the Purpoſe by this Act intended, Be it Enacted, That upon the Non-compliance of any Purchaſers with the Terms preſcribed by this Act, the ſaid Commiſſioners, or the major Part of them, ſhall have full Power and Authority again to ſell and diſpoſe of all ſuch Parts or Parcels of Ground in the Manner above ſet forth.

In caſe *Thomas Harriſon*, &c. ſhall give Bond, and after neglect to comply, &c.

X. And it is further Enacted, That in caſe the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, or either of them, or the Leſſees aforeſaid of the aforeſaid *Thomas Harriſon*, or their Aſſigns or any of them, ſhall, within the aforeſaid limited Time of One Month, from the End of this preſent Seſſion of Aſſembly, undertake and agree to remove the ſaid Nuſance, as to their reſpective Parts, and ſhall alſo give the Security preſcribed by this Act for compleating the ſame, and ſhall after fail or neglect to remove ſuch Nuſance, agreeable to the Condition of their reſpective Bonds above directed to be taken, that then, and immediately after ſuch Failure or Neglect, the Eſtate, Title and Intereſt of the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, or the ſaid Leſſees, or their Aſſigns, ſo failing or neglecting, ſhall, as to ſuch Part or Parts not made into firm and dry Ground, ſecured and compleated according to the Directions of this Act, ceaſe, determine, and be abſolutely void; and the ſaid Commiſſioners, or the major Part of them, ſhall have, and are hereby veſted with full Power and Authority, to ſell and diſpoſe of all ſuch Part of the ſaid Marſhy Ground, in ſuch Manner as the ſaid Commiſſioners, or the major Part of them, are by this Act directed, in caſe the ſaid *Thomas Harriſon*, *Alexander Lawſon*, and *Brian Philpot*, or either of them, and the ſaid Leſſees and their Aſſigns, ſhould neglect to make their Election or Determination, as above ſet forth, and the Money ariſing upon ſuch Sale, to be paid as above directed.

New Commiſſioners to be choſen, in caſe of Death, &c.

XI. And be it further Enacted, That in caſe any of the Commiſſioners ſhall die, or remove out of the County before the Purpoſes intended by this Act are fully effected, that then it ſhall be lawful for the Survivors of them to appoint One or more Commiſſioners to ſucceed ſuch Commiſſioners who ſhall ſo happen to die, or remove out of the County, which ſaid Commiſſioners, ſo appointed by the Survivors, ſhall have the ſame Power and Authority as if particularly named in this Act, he or they firſt taking the Oath aforeſaid.

Bonds forfeited, to be put in Suit.

XII. And be it further Enacted, That in caſe any ſuch Bond, ſhall be given as aforeſaid, and any of the Ground for the covering and making of which into dry Ground as aforeſaid, the ſame Bond ſhall be given, ſhall not be ſo covered and made into dry Ground as aforeſaid, that then Suit or Action may be brought for the Penalty of ſuch Bond, at the Requeſt of the Commiſſioners aforeſaid, or the major Part of them, without any Aſſignment thereof, and ſo much only of ſuch Penalty ſhall and may be recovered thereupon, as ſuch Ground not covered and made into dry Ground as aforeſaid, ſhall amount to, at the ſaid Rate of Twenty Pounds Sterling per Acre: And the ſaid Money, ſo recovered, ſhall be paid to, and received and applied by the Commiſſioners aforeſaid, or the major Part of them, to and for the Uſe of the ſaid Town, for, and in building convenient Wharfs, or to the removing the ſaid Nuſance, if there ſhould be no Purchaſers, or to the removing the ſaid Nuſance as to any Part of the ſaid Marſh purchaſed, when the Terms of ſuch Purchaſe ſhall not be complied with, any Law to the contrary notwithſtanding.

Money received, how to be applied.

XIII. And

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XIII. And be it further Enacted, That any Person or Persons that shall build or improve on any of the said Lots to be laid out in virtue of this Act, as by former Laws relating to the said Town is directed, and purchase the same from the said Proprietor or Proprietors thereof, by Consent and Agreement between the Purchaser and such Proprietor, or in the Manner before mentioned, of, and from the said Commissioners, such Lot or Lots, being wharfed in, secured, covered, and made into dry Ground as aforesaid, shall have an absolute Estate of Inheritance, in and to such Lot or Lots.

Purchasers, complying with the Terms, to have a good Estate therein.

XIV. Provided always, and be it Enacted, That if the Persons herein before mentioned to be the Proprietors of the said Marshy Ground, or any, or either of them, should not be the true and real Proprietors, and have Fee-Simple Titles in the said Marshy Ground respectively as aforesaid, that then, in Lieu and Stead of any Recovery of the said Marshy Ground, or any Part thereof, so covered and made into dry and firm Ground, and built and improved on as aforesaid, the Person or Persons who have Title thereto, or their Heirs, shall and may maintain an Action of Debt, or on the Case, against the said Person or Persons who shall have received any of the Purchase-Money aforesaid, not having Title as aforesaid, the Heirs, Devisees, Executors, or Administrators, having Assets, and thereby recover the full and real Value of the Ground in its present Situation, so to be covered and made into dry and firm Ground, and built and improved on as aforesaid, with the Costs of such Suit.

In case of bad Titles.

CHAP. XXXI.

An ACT concerning the Name of *John Beale Bordley*. [*A Private Act.*]

CHAP. XXXII.

An ACT for Amending and Repairing the Public Roads in *Baltimore* County.

WHEREAS it is found by Experience, that the Provision made by the Laws now in being, is inadequate to the Purposes of amending and maintaining the Public Roads in *Baltimore* County:

Preamble.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Justices of the said County Court shall and may, at their County *November* Court in every Year during the Continuance of this Act, nominate, and by Warrant appoint such, and so many good and sufficient Men of Substance and Credit, neither of whom being a Justice of the Peace, as they shall think fit to be Overseers of the Public Roads in the said County, in such Divisions and Precincts as shall be specified and assigned in their respective Warrants for the Year then next ensuing such Appointment; and, on any of their Death, negligent Conduct, or Misbehaviour, others in their Places, to name and appoint, for the Residue of the Year then to come: Which said Overseers, to be nominated and appointed as aforesaid, shall clear, mark, amend, and keep in Repair, the said Public Roads within their respective Precincts, and shall make, amend, and keep in Repair, all such Bridges and Causeys as are usually made and repaired by Overseers of Highways; and for that Purpose, the said Overseers, so to be appointed, shall be, and are hereby impowered, from Time to Time, to hire and employ a sufficient Number of Labourers and others, at and upon reasonable Wages, to work on the said Public Roads, and cut and use such Wood and Timber, and for such and the like Purposes, as Overseers of Highways by the Laws now in being, may, or might cut and use the same.

Justices of *Baltimore* County to appoint Overseers to Repair their Roads.

III. And

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Overſeers Warrants to be delivered in Ten Days.

III. And be it further Enacted, That the ſaid Warrants ſhall be made out by the Clerk and delivered to the Sheriff of the ſaid County within Ten Days after the ſaid Warrants ſhall be ordered by the ſaid Court, and ſhall be delivered by the ſaid Sheriff to the Perſons to whom the ſame are directed, within Ten Days after the ſaid Sheriff's Receipt thereof, under the Penalty of Five Pounds for each Warrant not made out and delivered as aforeſaid, by the Clerk, and the like Sum for each Warrant received and not delivered as aforeſaid by the ſaid Sheriff, to be recovered againſt the Officer not performing his ſaid Duty in the ſaid County Court, by Action of Debt, Bill of Indictment, Plaint or Information, wherein not more than one Imparlance ſhall be allowed.

Penalty on Overſeers neglecting their Duty.

IV. And be it further Enacted, That the Overſeer of any of the ſaid Precincts, where the Public Roads therein ſhall not be well and ſufficiently cleared and ſtubbed, of the Breadth preſcribed by the Act of Aſſembly in ſuch Caſe made and provided, or ſhall not be well and ſufficiently amended within a reaſonable Time, or the Overſeer of any of the ſaid Precincts, who ſhall thereafter ſuffer any of the Public Roads, Cauſeways, or Bridges therein, to be out of Repair, or that ſhall, for the Space of Five Days, permit or ſuffer any fallen Tree or Limb to lie acroſs, or in any of the ſaid Public Roads therein, ſuch Overſeer, having accepted of ſuch Office, ſhall forfeit and pay Five Pounds, to be recovered as aforeſaid.

The Tread of Carriages us'd for Iron, to be 5 Inches broad.

V. And be it further Enacted, That from and after the Firſt Day of *November* next, no Cart, Waggon, or other Carriage of Burthen, belonging to any Iron-Work, ſhall go or paſs loaded with Iron Ore, on any of the ſaid Public Roads, or on any of the ſaid Public Roads, within Five Miles of the Iron-Work to which the ſame belongs, with Iron Pig Metal, except in its Out-ſet on, or Return from a Journey of a greater Diſtance, unleſs the Tread of the Fellows of the Wheels of ſuch Carriage, be Five Inches broad at the leaſt.

Ten per Poll to be levied.

VI. And be it further Enacted, That the Juſtices aforeſaid, at the Time of laying their County Levy, ſhall aſſeſs on the Taxable Inhabitants of the ſaid County, Ten Pounds of Tobacco per Poll, beſides the Sheriff's Salary of Six *per Centum* for collecting the ſame: And the ſaid Sheriff is hereby impowered and directed to collect and levy the ſame in the ſame Manner, and which ſhall be payable in Money, at the ſame Rates as Public and County Levies are to be collected, levied, and are payable.

Overſeers to render Accounts:

VII. And be it further Enacted, That the ſaid Overſeers ſhall, once at the leaſt, in every Year, or at every County Court, if they think proper, produce and give in to the Juſtices of the ſaid County Court, fair and diſtinct Accounts, on Oath, of the Charges and Expences of Clearing, Amending, and maintaining in Repair the ſaid Roads in their Precincts, expreſſing therein to whom all Sums of Money therein charged, have been paid, or are due, and for what and when, and how many Days ſuch Overſeers neceſſarily ſpent on, or about the ſaid Roads, which Accounts the ſaid Juſtices

Their Allowance.

ſhall ſettle and adjuſt, allowing to the ſaid Overſeers, at and after the Rate of Sixty Pounds of Tobacco per Day for their Services, and allowing the other Charges in ſuch Accounts, or ſuch Part thereof as ſhall appear to ſuch Juſtices juſt and reaſonable: And the ſaid Juſtices ſhall, on the Settlement of ſuch Accounts, draw Orders on the Sheriff aforeſaid for the Payment thereof, who ſhall pay the ſame on Sight.

Penalties to be paid the Sheriff.

VIII. And it is alſo Enacted, That all Penalties which ſhall be recovered by virtue of this Act, ſhall be paid to the Sheriff of the ſaid County, to be applied and laid out in amending the ſaid Public Roads, and keeping them

them in Repair: And, if the Tobacco to be levied as aforesaid, together with the Penalties aforesaid, if any recovered, shall not be sufficient to defray the Expences aforesaid, the Deficiency shall be assessed, collected, levied, and paid as aforesaid: And, if the Tobacco to be levied as aforesaid, together with the Penalties aforesaid, if any recovered, shall be more than sufficient to defray the Expences aforesaid, then the Overplus shall go, and be applied towards the Discharge of the said County Levy. CHAP. XXXII. In case of a Deficiency, how to be made up: If an Overplus, how to be applied.

IX. **And be it further Enacted**, That no Gate shall hereafter be set up or placed in or upon any Public Road in the said County, in any Place where a Gate is not now kept; and if any should be set up or placed contrary to this Act, the same is hereby declared and shall be deemed a Nusance. No new Gates to be set up.

X. **And be it further Enacted**, That after Overseers are appointed in virtue of this Act, no Person or Persons whatsoever shall be compelled or compellable to work or labour on the Public Roads or Highways, in the said County, by virtue of any Law now in being, any Law or Thing to the contrary notwithstanding. No Persons oblig'd to work on Highways by former Laws, in *Baltimore*.

XI. This Act to continue till the last Day of *October*, which shall be in the Year of our Lord Seventeen Hundred and Seventy, and no longer. Duration.

CHAP. XXXIII.

An ACT to oblige Infected Ships, and other Vessels, coming into this Province, to perform Quarantine.

WHEREAS great Mischiefs have arisen from the Landing of Goods and Passengers from Ships and other Vessels coming into this Province with Servants and *German* Passengers, by communicating to, and spreading amongst the Inhabitants, dangerous infectious Distempers, begun at first by Numbers of People being closely confined together for long Times in a small Space: Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That no Ship or Vessel whatsoever, coming into this Province after the First Day of *May* next, and in which Ship or Vessel there shall be imported more than Thirty Servants or Passengers, shall be admitted to make her Entry, or land or put on Shore any Goods, Passenger, or Servant, before the Master, together with Two other credible Persons, shall make Oath before the Collector, or Naval Officer, with whom such Ship or Vessel shall first enter, "That neither the Small-Pox, Jail-Fever, Yellow-Fever, Flux, or any "such dangerous infectious Distemper, is, or hath been on board such "Ship or Vessel, on her Passage, to the Knowledge or Belief of such Cap-"tain, or other Persons taking such Oath respectively:" Which Oath the said Collector, or Naval Officer, is hereby impowered and directed, personally, or by their Deputies, to administer, and a Certificate thereof give, without Fee or Reward. Masters of Vessels to be Sworn, That they have no infectious Distemper on Board: The Oath.

III. **And be it further Enacted**, That in case any such Ship or Vessel shall be offered to be entered, and such Oath shall be refused to be made, or delayed for the Space of Forty-eight Hours thereafter, that then the Officer, to whom Application shall be made for Entry as aforesaid, shall, and he is hereby enjoined and strictly required immediately thereupon, to transmit and send a full and distinct Account and Information thereof, to the Governor or Commander in Chief of this Province for the Time being: And, on such In case of Refusal to make such Oath.

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Information given as aforeſaid, ſuch Ship or Veſſel ſhall be obliged to make her Quarantine in ſuch Place or Places, for ſuch Time, and in ſuch Manner, as from Time to Time ſhall for that Purpoſe be directed by the Governor or Commander in Chief of this Province, for the Time being; and, that during the ſaid Time, and until the ſaid Ship or Veſſel ſhall be diſcharged of and from ſuch Quarantine, no Perſon coming, or Goods imported therein, ſhall come, or be put on Shore, or go on board any other Ship or Veſſel within this Province, nor ſhall any Perſon go on board ſuch Ship or Veſſel, obliged as aforeſaid to make Quarantine, without Licence firſt had and obtained from the Governor or Commander in Chief for the Time being, in ſuch Manner, and under ſuch Limitations and Reſtrictions as he ſhall think fit to grant or allow the ſame: And, that in caſe there ſhall be any Breach of the ſaid Quarantine, in any Reſpect, the Maſter, Commander, Chief Officer, or Perſon having the Charge of ſuch Ship or Veſſel, without ſuch Licence as aforeſaid, ſhall, if a Free Perſon, forfeit and pay One Hundred Pounds Sterling, to be recovered, with full Coſts of Suit, in any Court of Record within this Province, by Action of Debt, Bill of Indictment, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed; and, if a Servant or Slave, ſuffer ſuch corporal Puniſhment, by Whipping, not exceeding Thirty-nine Stripes, as by Two Juſtices of the Peace ſhall be ordered and adjudged, upon Complaint and Proof of ſuch Offence.

The Governor may order the Veſſel to perform Quarantine.

Penalty for breach of the Quarantine.

The Maſters to give Information of their Number of Paſſengers and Servants.

IV. **And be it further Enacted**, That the Maſter or Commander of every Ship or Veſſel, importing above the ſaid Number of Paſſengers or Servants into this Province, after the ſaid Firſt Day of *May* next, ſhall, before the ſaid Ship or Veſſel ſhall be admitted to make her Entry, diſcover and diſcloſe to the Collector and Naval Officer aforeſaid, the Number of Paſſengers and Servants imported in ſuch Ship; and, if the Maſter or Commander of any ſuch Ship or Veſſel ſhall not make ſuch Diſcovery as aforeſaid, he ſhall forfeit and pay One Hundred Pounds Sterling, to be recovered as aforeſaid.

Penalty on Landing, Selling, or Buying, before Oath made.

V. **And be it further Enacted**, That any Maſter or Commander of a Ship or Veſſel, importing above the ſaid Number of Paſſengers or Servants as aforeſaid, who ſhall land or put on Shore any Paſſenger, Servant, or Goods, from on board ſuch Ship, or ſhall ſell any Servant imported in ſuch Ship, and alſo every Perſon who ſhall buy any ſuch Servant, or knowingly entertain in his, or her Houſe, any Paſſenger or Servant, or receive any Goods imported in ſuch Ship, before Certificate obtained, of ſuch Oath being made as aforeſaid, ſhall reſpectively forfeit and pay Twenty Pounds Sterling, to be recovered as aforeſaid.

In caſe of Diſtempers breaking out after their Arrival.

VI. **And whereas** dangerous infectious Diſtempers frequently break out in Ships and Veſſels importing Paſſengers and Servants into this Province, on their Arrival here, after healthy Paſſages: **Be it therefore Enacted**, That even after ſuch Certificate obtained as aforeſaid, if it ſhall be made appear to the Governor or Commander in Chief of this Province, for the Time being, by Proof, on Oath of at leaſt Two credible Witneſſes, that the Paſſengers or Servants imported in ſuch Ship or Veſſel, or the Crew thereof, or any of them, are, or is infected with, or have the Jail or Yellow Fever, or any ſuch dangerous infectious Diſtemper, the Governor, or Commander in Chief, may thereupon order ſuch Ship or Veſſel to perform Quarantine, in the Manner aforeſaid, and under the ſame Penalties as are herein before mentioned, to all Perſons concerned.

Puniſhment for Perjury.

VII. **And be it further Enacted**, That any Perſon whatſoever, falſely and corruptly making the Oath aforeſaid, ſhall and may be proſecuted in the ſame Manner, and ſuffer the like Puniſhment as for wilful and corrupt Perjury. And that in any Suit or Proſecution for the recovery of any Penalty under

under this Act, the Defendant or Defendants may, in the Discretion of the Court, be awarded to give special Bail, one Half of all which Penalties, where the Recovery shall be by Action of Debt or Information *quitam*, to the Use of the Informer, or him, her or them that shall sue for and recover the same; and the other Half thereof shall be paid to the Sheriff of the County where the Recovery shall be had, and by him paid into the Hands of the Treasurer of the Shore whereon the same shall be recovered, for the Use of the Public of this Province, to be applied and laid out in the Purchase of a Place, and building a Pest-House for the Reception of the Infected, as the General Assembly for the Time being shall direct; or where the Recovery shall be had, otherwise than by Action of Debt, or Information *quitam*, the whole of the said Penalties shall be paid and applied to the Uses last aforesaid. CHAP. XXXIII. Penalties how to be recovered and applied.

VIII. This Act to continue Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years. Duration.

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An ACT for the Payment of the Public Claims, for emitting Bills of Credit, and for other Purposes therein mentioned.

WHEREAS it appears by the Journal of Accounts, and List of Debts, assented to this present Session by both Houses of Assembly, that there are now due, from the Public of this Province, to the several Creditors thereof, the Quantity of Five Million Six Hundred and Twenty-three Thousand Four Hundred Ninety-nine Pounds, and Three Fourth Parts of a Pound of nominal Tobacco, payable in Money, equal in Value to the Rate of Seven Shillings and Sixpence Sterling per Hundred Pounds of Tobacco; and the Sum of Nineteen Thousand Eight Hundred and Forty Pounds One Shilling and Twopence Farthing nominal Money, of the true and real Value, according to the Course of Exchange between this Province and *London*, of Eleven Thousand Nine Hundred and Four Pounds and Ninepence Sterling. And whereas the Public of this Province now hath Twenty-six Thousand and Eight Hundred Pounds Capital Stock of the Bank of *England*, as appears by the last Account rendered by the Trustees for this Province, residing in *London*, dated the Thirtieth Day of *May* last; and also the Sum of Five Thousand Two Hundred and Thirty Pounds Seventeen Shillings and Twopence Sterling, not invested, subject to the Disposition of the General Assembly; and the great Scarcity of Specie, at this Time, makes an additional Circulating Medium in this Province, necessary for the Purposes of Trade and Commerce. For the Ease therefore of the good People of this Province, in the Payment and Discharge of the Public Debt, to supply, in some Measure, a Circulating Medium of Commerce, and for the other Purposes herein after particularly mentioned: Preamble. Amount of the Public Debt.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That Bills of Credit, of the Denomination of Dollars, and aliquot Parts of a Dollar, to the Amount of One Hundred and Seventy-three Thousand Seven Hundred and Thirty-three Dollars, shall be Printed and Struck, with all convenient Speed, on good Single Paper, under the Care and Directions of the Commissioners to be appointed by virtue of this Act, in Manner and Form following: *to wit*, "*This Indented Bill of Dollars, shall entitle the Bearer* "*hereof, to receive Bills of Exchange, payable in* London, *at the Rate of Four* "*Shillings and Sixpence Sterling per Dollar, for the said Bill, according to the* "*Directions of an Act of Assembly of* Maryland. *Dated in* Annapolis, *this* "*Day of* Anno Domini, 176 ." Which Bills Bills of Credit to be Printed for Discharge of the Public Debt. Their Tenor.

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Bills of Credit ſhall be Signed, Numbered, and Dated, by the Commiſſioners aforeſaid; and the Number of Dollars, or the Parts or Part of a Dollar, by which each Bill ſhall be denominated, ſhall be Printed at the Top of ſuch Bill, in Words at Length, with ſuch Devices and Marks on the ſaid Bills as the ſaid Commiſſioners ſhall think fit and direct, as well to prevent Counterfeits, as readily to diſtinguiſh their ſeveral Denominations. The Number of which Bills, as well as the Denominations thereof, ſhall be the following, and no other, *to wit*,

Their Number and Denomination.

Six Thouſand Three Hundred and Nineteen Bills of Eight Dollars each.
Six Thouſand Three Hundred and Eighteen Bills of Six Dollars each.
Six Thouſand Three Hundred and Eighteen Bills of Four Dollars each.
Twelve Thouſand Bills of Two Dollars each.
Twelve Thouſand Bills of One Dollar each.
Twelve Thouſand and Two Bills of Two Third Parts of a Dollar each.
Twelve Thouſand Bills of One Half Dollar each.
Eleven Thouſand Nine Hundred and Ninety-nine Bills of One Third Part of a Dollar each.
Twelve Thouſand Bills of Two Ninth Parts of a Dollar each.
Twelve Thouſand Bills of One Sixth Part of a Dollar each. And,
Twelve Thouſand Bills of One Ninth Part of a Dollar each.

Commiſſioners to ſee the Printing perform'd.

And the ſaid Commiſſioners are hereby directed and required to uſe the beſt of their Care and Diligence, that the ſaid Bills, according to their reſpective Denominations aforeſaid, and according to the Manner and Form aforeſaid, be forthwith Printed and made ready for Emiſſion, and that the Number thereof be not exceeded, nor any clandeſtine or fraudulent Practice be uſed by the Printer, his Servants, or others concerned therein.

The Printer, &c. to be Sworn.

III. **And be it Enacted**, That the Printer who ſhall, or may be employed in Printing and Stamping the ſaid Bills of Credit, and all his Apprentices and Servants, which he may employ in the ſaid Work, ſhall, before he or they begin, or enter upon the ſame, take, before ſome Juſtice of the Provincial or County Court, the following Oath; *to wit*, "*I* A. B. *do ſwear, that I will truly, faithfully, and honeſtly perform, my Duty of Printer, agreeable to the Directions of an Act of Aſſembly of this Province, entitled*, An Act for the Payment of the Public Claims, for emitting Bills of Credit, and for other Purpoſes therein mentioned; *and will not adviſedly Print or Stamp any greater Number of Blank Bills of Credit, than in that Act mentioned, or of other Denominations than therein expreſſed, except ſuch Sheets that may be ſo blotted, unfair, or imperfect in the Impreſſing or Printing thereof, that the ſame are unfit for Uſe:* So help me GOD." And if ſuch Printer, by himſelf, Servants, or Apprentices, or any of them, by his Privity, Direction, or Permiſſion, ſhall adviſedly Print or Stamp any greater or larger Number of the Bills aforeſaid, or of any other Denominations than by this Act limited and expreſſed, contrary to the true Intent and Meaning thereof, and be thereof legally convicted in any Court of Record within this Province, he ſhall forfeit and pay the Sum of Five Hundred Pounds Current Money; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed: And any Servant or Apprentice of ſuch Printer, who ſhall be of the ſaid Offence convicted, before Two or more Juſtices of the Peace of the County where the ſame ſhall be committed, ſhall receive Corporal Puniſhment, by Whipping, not exceeding Thirty-nine Stripes, by the ſaid Juſtices to be adjudged.

The Oath.

Penalty on the Printer, &c. for a breach of Duty.

Commiſſioners to attend the Preſs.

IV. **Be it alſo Enacted**, That the Printer of the ſaid Bills, ſhall not, by himſelf, Servants, or any other Perſon by him employed, preſume to Print or Stamp the ſaid Bills, or any of them, but in the Preſence of one or both of the ſaid Commiſſioners, who are hereby required and directed to be preſent.

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sent. And when all the said Bills shall be Printed and Stamped, the Stamps and Flowers by which such Impressions may be made, shall be delivered by the Printer to the said Commissioners, under the Penalty of Five Hundred Pounds Current Money, to be recovered as aforesaid, and the said Commissioners are hereby directed and required to receive the said Stamps and Flowers into their Possession, and the same safely keep in their Office, under the Penalty of Five Hundred Pounds Current Money; to be recovered as aforesaid.

The Stamps and Flowers to be delivered to the Commissioners.

V. And be it further Enacted, That any Person or Persons who shall counterfeit any of the said Bills of Credit, or who shall forge any Bills of Exchange directed to be drawn by this Act, or alter the Sum expressed in any of the said Bills of Credit, or Bills of Exchange, and his, her, or their Aiders or Abettors, or who shall utter or offer, or cause to be uttered or offered in Payment, any such Counterfeit, or altered Bills of Credit or Bills of Exchange, knowing the same to be counterfeit or altered, and shall be thereof convict by due Course of Law, or stand mute, or peremptorily challenge above the Number of Twenty of the Pannel, shall suffer Death as a Felon or Felons, without Benefit of Clergy. And all Persons into whose Hands any of the said Counterfeit Bills may happen to come, shall forthwith deliver the same to some Provincial Justice, who shall cause the Name of those that delivered them, and of the Persons from whom they were taken, to be endorsed on the Back thereof; which Bills shall be safely kept by the said Provincial Justice, and be forthcoming when there may be Occasion thereof.

Persons counterfeiting Bills of Credit, or Bills of Exchange, to suffer Death.

VI. And be it further Enacted, That the Right Honourable the Lord Proprietary, or the Governor or Commander in Chief of this Province, for the Time being, shall and may nominate and appoint Two Commissioners to emit the said Bills of Credit, and shall or may remove them, or either of them, in case of Misbehaviour, or Unfitness to act, if it shall appear to his Lordship, or the Governor or Commander in Chief that the Welfare of this Province shall require such Removal.

Two Commissioners to be nominated by the Governor.

VII. And be it further Enacted, That the said Commissioners, before they enter upon the Execution of their said Trust, shall, each of them, before some Provincial Justice, enter into Bond, with sufficient Sureties, jointly and severally, in the Penalty of Three Thousand Pounds Sterling, payable to the Lord Proprietary, Conditioned for the Observance and faithful Discharge of the Trust hereby reposed in them, and shall also, before such Justice, (who is hereby impowered and required to administer the same) take the several Oaths appointed by Law to be taken to the Government, subscribe the Oath of Abjuration, and repeat and subscribe the Test, and take the following Oath, *to wit*, "I A. B. *do swear that I will, according* "*to the best of my Skill and Knowledge, faithfully, impartially, and truly de-* "*mean myself, in the Discharge of the Trust committed to me by an Act of As-* "*sembly of this Province, entitled*, An Act for the Payment of the Public "Claims, for emitting Bills of Credit, and for other Purposes therein men- "tioned; *according to the Purport and Tenor of the same Act, so that none* "*may be prejudiced by my Consent, Privity or Procurement:* So help me God."

Commissioners to give Bond.

VIII. And be it further Enacted, That the said Commissioners, after they are so qualified, shall proceed to give Directions for printing the same Bills of Credit, according to the Directions of this Act; and, after the same are so Printed, shall Sign and Number the same Bills, as is hereby directed; and the same, so Signed, shall keep and depositе in One of the strong Iron Chests, now in the late Paper-Currency-Office, with Two strong, substantial, and different Locks; and that each Commissioner, or Trustee, shall keep a Key, to the End that no Bills of Credit which shall be Signed, be

Commissioners to direct the Printing of the Bills, &c.

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taken out, or diſpoſed of, but by, or in the Preſence of both the Commiſſioners, which Cheſt ſhall be by them kept in the Repoſitory of the ſaid Office.

The Commiſſioners to employ a Clerk.

IX. **And be it Enacted**, That for the more regular Management of the Affairs relating to the Truſt of the ſaid Commiſſioners, the Commiſſioners aforeſaid are hereby impowered to chooſe and employ a fit and able Perſon for their Clerk, who ſhall, before he enters upon the Execution of his ſaid Office, before ſome Provincial Juſtice, enter into Bond, with ſufficient Sureties, jointly and ſeverally, in the Penalty of Fifteen Hundred Pounds Current Money, payable to the Lord Proprietary, Conditioned, for his faithful and honeſt Diſcharge of his Duty of Clerk aforeſaid, and his keeping true, fair and regular Accounts and Entries of the Proceedings of the ſaid Commiſſioners, and ſhall alſo, before ſuch Juſtice, who is hereby impowered and required to adminiſter the ſame, take the ſeveral Oaths appointed by Law to be taken to the Government, ſubſcribe the Oath of Abjuration, and repeat and ſubſcribe the Teſt, and take the following Oath, *to wit*, "*I* A. B. "*do ſwear, that I will truly and faithfully perform and execute the Office* "*and Duty that is directed and required of me as Clerk of the Commiſſioners* "*for emitting Bills of Credit, by a Law of this Province, entitled,* An Act for "the Payment of the Public Claims, for emitting Bills of Credit, and for "other Purpoſes therein mentioned; *and I will keep a juſt and true Account* "*of all Bills of Credit which ſhall be iſſued and paid out of the ſaid Office, and* "*the Names of thoſe to whom the ſame ſhall be paid and delivered, and all other* "*neceſſary Accounts, relating to the ſaid Bills of Credit, and true Entries make* "*of all other Proceedings and Tranſactions of the ſaid Commiſſioners, without* "*any fraudulent Practice whatſoever:* So help me GOD."

The Clerk to enter into Bond.

The Clerk's Bond to be recorded in the Provincial Office.

X. **And be it further Enacted**, That the reſpective Provincial Juſtice before whom any of the ſaid Bonds ſhall be entered into, ſhall Endorſe an Order, under his Hand, on the Back of the ſame Bond, requiring the Clerk of the Provincial Court immediately to Record, among the Land Records of his Office, the ſaid Bond and Order, and the ſaid Clerk ſhall, immediately after the Recording aforeſaid, deliver the Original to the Regiſter of the Chancery Court, to be by him ſafely kept in the Chancery-Office, and an Atteſted Copy of the Record of the ſaid Bond and Order from the Provincial Records, ſhall be as good Evidence, to all Intents and Purpoſes, as if the Original was produced and proved in Court.

The Commiſſioners authoriz'd to pay the Public Creditors.

XI. **And be it further Enacted**, That as ſoon as the ſaid Bills of Credit ſhall be ſo Printed, Signed, and Numbered, which ſhall be fully compleated and done by the Twentieth Day of *February* next at fartheſt; the ſaid Commiſſioners ſhall, and they are hereby authorized and required to deliver out of the ſaid Bills of Credit, to the ſeveral Perſons, their Executors, Adminiſtrators, Aſſigns, or Orders, who are allowed by the Public, or to ſuch of them as ſhall offer to receive the ſame, the Value, according to the Rates before-mentioned, of the Quantities of Tobacco and Sums of Money allowed to them reſpectively, as they appear to be allowed, ſtated, and aſcertained by the Journal of Accounts and Liſt of Debts aforeſaid, aſſented to this preſent Seſſion by both Houſes of Aſſembly.

Proviſo.

XII. **Provided nevertheleſs, and be it Enacted**, That ſuch of the ſaid Allowances in the ſaid Journal of Accounts or Liſt of Debts, as ſhall not be claimed and demanded of the ſaid Commiſſioners before the Tenth Day of *June* next, ſhall not be by them paid after that Time.

XIII. **And whereas** the Honourable the Upper Houſe of Aſſembly, did this Seſſion of Aſſembly, as well as many heretofore, diſſent to the Paſſage of

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of the Journal of Accounts and Liſt of Debts, becauſe an Allowance of a Salary, heretofore made and paid to the Clerk of his Lordſhip's Council of State, was not inſerted therein; and a Conference between the Two Houſes being thought the moſt probable Mean to bring about ſo deſirable an End as reſtoring Public Credit, and paying off the juſt Claims againſt the Public, was propoſed and agreed to. And whereas the Conferrees from the Lower Houſe were inſtructed by their Houſe, to inform the Conferrees of the Upper Houſe, That they were clearly of Opinion, that the Clerk of the Council, his reaſonable Reward, as well as every Expence neceſſarily attending the Execution of the Powers of Government, ought to be defrayed out of the Fines, Forfeitures, Amerciaments, and Monies received by the Government to defray the Expences thereof; but yet, as there ſeemed no Probability of a ſpeedy Concurrence of both Houſes in that Sentiment, and the diſtreſſed Circumſtances of the Province, and many of the Claimants againſt the Public, called for an immediate Circulation of a Medium of Commerce, and Diſcharge of the Public Debt, that they ſhould propoſe to their Honours, as the moſt eligible Expedient, that Paper Bills of Credit ſhould be emitted on the Foundation of the Public Money now in the Funds, not only to the Amount of the Journal and Liſt of Debts, but alſo to that of the late and preſent Clerk of the Council, their Claim, and the further Sum of Fifteen Hundred Pounds: That thoſe who have already Allowances on the Journal and Liſt of Debts, receive their Allowances in Bills of Credit: That a Sum to the Amount of the Claims of the late and preſent Clerk of the Council, be put into the Hands of the Treaſurers, and be by them placed out at Intereſt, and the Principal and Intereſt be paid to the late and preſent Clerk of the Council, or their Repreſentatives, in caſe the King in Council ſhall ſo order; otherwiſe ſuch Principal and Intereſt to be and remain the Property of the Public; and that the ſaid Sum of Fifteen Hundred Pounds in Bills of Credit, be paid to the Order of the Lower Houſe of Aſſembly, and inveſted in Bills of Exchange, to enable the Lower Houſe of Aſſembly, for the Time being, to employ and retain an Agent in *London*. And whereas the Conferrees of the Upper Houſe did inform the Conferrees of the Lower Houſe, that they were inſtructed by their Houſe to anſwer to the Propoſal made them by the Conferrees of the Lower Houſe: That the Lower Houſe having repreſented that their Sentiments were directly oppoſite to the Opinion they, the Upper Houſe, had on mature Conſideration formed upon the Subject of the Clerk of the Council's Claim of a Salary or Compenſation for his Services; but that they were extremely deſirous a fair and equitable Expedient for terminating the ſubſiſting Difference, might take Place; but that the Propoſition made by them in purſuance of the Inſtructions of their Houſe, appeared to them to be unequal, and inconſiſtent with their indubitable Rights, and therefore they had reſolved not to accept thereof; but that they had, on their Parts, further to propoſe, That an Appeal be made by the Two Houſes to his Majeſty in Council on the Subject of their Diſagreement: That ſuch Sum of Public Money be paid to the Order of the Preſident of the Upper Houſe, as might be ſufficient to defray the Expence which might attend the Proſecution of the Appeal on their Part, and an equal Sum of Public Money be paid to the Order of the Speaker of the Lower Houſe of Aſſembly, for the like Purpoſe of defraying the Charge of the Appeal on their Part: And, moreover, as an Alternative, in caſe the Lower Houſe ſhould not agree to the above Application of the Public Money, that the Appeal on each Side be made and proſecuted, without the Allotment or Application of any Public Money for that Purpoſe; and, that in caſe the Lower Houſe ſhould agree to an Appeal upon the Terms either of the former, or latter Propoſition, that ſuch Perſons as have Allowances in the Journal of Accounts and in the Liſt of Debts, ſhould receive their reſpective Allowances, as ſoon as might be; and that a Sum equal to the Amount of the Claims

The Allowances of the late and preſent Clerks of the Council, to be placed in one of the Treaſurer's Hands, till the Diſpute between the Two Houſes on that Head ſhall be determin'd by his Majeſty in Council.

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Claims of the late and preſent Clerk of the Council, be paid into the Hands of One of the Treaſurers, and placed by him, on good Security, at Intereſt, and the Principal, together with the Intereſt, be accounted for to the late and preſent Clerk, or to their Repreſentatives, or as the Property of the Public, in ſuch Manner as his Majeſty in Council, on the propoſed Appeal, ſhall be pleaſed to order and direct, which latter Propoſition of the ſaid Alternative, the Lower Houſe accepted and agreed to. **Be it therefore Enacted**, That in purſuance of the ſaid Agreement between the Two Houſes as aforeſaid, the ſaid Commiſſioners are hereby directed and required to pay to one of the Treaſurers of this Province, Seventeen Hundred and Three Dollars, and One Tenth Part of a Dollar, in the Bills of Credit aforeſaid, being the Amount of the Claims of the late and preſent Clerk of the Council, up to this Seſſion of Aſſembly, together with Eighty-five Dollars, and One Fifth Part of a Dollar, for the ſaid Treaſurer's Commiſſion: Which ſaid Seventeen Hundred and Three Dollars, and One Tenth Part of a Dollar, the ſaid Treaſurer is hereby directed and required to receive and place out at Intereſt, on good Security, until a final Determination ſhall be had, and made, in the Matter aforeſaid, by his Majeſty in Council: And that then the ſaid Principal Money, together with the Intereſt thereon, be accounted for to the late and preſent Clerk of the Council, or to their Repreſentatives, or as the Property of the Public, and as the General Aſſembly ſhall direct and appoint, in ſuch Manner as his Majeſty in Council, on the Appeal aforeſaid, ſhall be pleaſed to order and direct; and the ſaid Treaſurer's Bond ſhall be anſwerable for the Money and Intereſt aforeſaid.

Office Days and Hours for the Attendance of the Commiſſioners.

XIV. **And be it further Enacted**, That the Commiſſioners aforeſaid ſhall be obliged, and it is hereby declared to be their Duty to attend at their Office, (which ſhall be kept where the former Paper-Currency-Office was kept) from Nine of the Clock in the Morning till Twelve, and from Two of the Clock in the Afternoon till Five, on the Monday, Wedneſday, Friday and Saturday in every Week, until the Tenth Day of *June* next; and ſhall keep a fair, regular and diſtinct Account of all ſuch Payments, as they ſhall make in virtue of this Act, and the Receipts of the Perſons to whom paid, expreſſing when, how much, and for what the ſame is, or ſhall be paid: And the ſaid Commiſſioners ſhall lay the ſaid Accounts and Receipts, to be kept by them, as well as all other their Proceedings in virtue of this Act, before a Committee of both Houſes of Aſſembly, which ſhall be appointed at the next Meeting of Aſſembly after the ſaid Tenth Day of *June* next, for the View, Inſpection, and Examination of the ſaid Committee.

Commiſſioners to lay an Account of their Proceedings before a Committee of both Houſes, after the 10th *June*.

Commiſſioners, Office Expences, the Clerk and Printer to be paid out of the Bills of Credit aforeſaid.

XV. **And be it further Enacted**, That out of the ſaid Bills of Credit, there ſhall be allowed and paid to the ſaid Commiſſioners, for their Trouble and Care in executing the Duty and Truſt repoſed in them, beſides their reaſonable Expences for Pens, Paper, Ink, and Fire-Wood, Two Hundred and Fifty Dollars each: To the ſaid Clerk who ſhall be employed by them, for his ſaid Service, Two Hundred Dollars; and, to the Printer who ſhall ſtamp and print the ſaid Bills of Credit, Eight Hundred Dollars. And the

The Office of the Commiſſioners when to expire.

Truſt and Powers hereby conferred on the ſaid Commiſſioners, and the Office and Employment of their Clerk, ſhall ceaſe and determine immediately upon a View, Inſpection, and Examination of their ſaid Accounts and Proceedings had by the Committee aforeſaid; and the ſaid Office, and all Bills of Credit, Books and Things therein then being, and the Keys of the Office aforeſaid, Repoſitory, and Iron Cheſts therein, ſhall then be delivered

The Keys of the Repoſitory, and Iron Cheſt, to whom to be delivered.

up: *That is to ſay*, One of the Keys of the ſaid Repoſitory, and Iron Cheſt, ſhall be delivered to the Governor or Commander in Chief of this Province for the Time being; One other of the ſaid Keys to the Preſident of the Upper Houſe: And the other of the ſaid Keys to the Speaker of the Lower Houſe of Aſſembly, to be by them reſpectively ſafely kept. And the ſaid

Repoſitory

Repoſitory, and Iron Cheſts, or either of them, ſhall not be opened but in the Times of the Sittings of Aſſembly, and then by, and in the Preſence of a Committee of both Houſes of Aſſembly; which ſhall be, at every Meeting, appointed to open the ſame, and inſpect and report the Condition thereof to both Houſes of Aſſembly. CHAP. XXXIV.

XVI. And be it further Enacted, That upon Application, during the Continuance of this Act, to the ſaid Committee, by any Perſon or Perſons, having any of the ſaid Bills of Credit, which ſhall be torn or defaced, and not fit to paſs, it ſhall and may be lawful for the ſaid Committee to burn and deſtroy the ſaid torn or defaced Bills, delivering to ſuch Perſon or Perſons, Bills of Credit, out of thoſe remaining in the Iron Cheſt, to the Amount of ſuch Bills ſo burnt and deſtroyed, of which burning, and Delivery of Bills, the ſaid Committee ſhall make Mention in their ſaid Report. Committee to exchange torn and defaced Bills.

XVII. And be it likewiſe Enacted, That if any Perſon or Perſons, their Executors or Adminiſtrators who have an Allowance on the ſaid Journal or Liſt of Debts, ſhould not apply for the ſame to the Commiſſioners aforeſaid before the aforeſaid Tenth Day of *June* next, it ſhall and may be lawful for the ſaid Committee of both Houſes of Aſſembly that ſhall be appointed the next Seſſion of Aſſembly, after the ſaid Tenth Day of *June*, on Application of ſuch Perſon or Perſons, their Executors, Adminiſtrators, or Aſſigns, to deliver out to ſuch Perſon or Perſons, applying as aforeſaid, Bills of Credit, amounting as aforeſaid, to ſuch Allowances; the ſaid Committee taking Receipts for the ſame, in the ſame Manner as the Commiſſioners are before directed to take Receipts; all which Payments the ſaid Committee ſhall alſo make Mention of in their Report. Creditors not applying before the 10th *June* next, to be paid by the Committee.

XVIII. And be it further Enacted, That the ſaid Committee, to be as aforeſaid appointed, ſhall alſo be a Committee to correſpond with the Truſtees reſiding in *London*; and that the preſent Truſtees reſiding in *London*, who have the Direction and Management of the Capital Stock of the Bank of *England*, belonging to the Public of this Province, under the Superintendence of the Right Honourable the Lord Proprietary, or ſuch Truſtees as ſhall or may be appointed in their Stead by his ſaid Lordſhip, ſhall receive the Dividends ariſing from the ſaid Capital Stock, and inveſt thoſe Dividends at ſhort and reaſonable Times into Capital Stock of the Bank of *England*, for the Uſe of the Public of this Province, and ſhall alſo, once at the leaſt in every Year, ſend an Account of the ſaid Capital Stock, and of Dividends thereon received from Time to Time, to the ſaid Committee, to the End that the General Aſſembly may at all Times know and be informed of the State and Increaſe of the ſaid Capital Stock. Committee to correſpond with the Truſtees in *London*. Directions to the Truſtees about the Dividends, &c.

XIX. And be it further Enacted, That his Lordſhip the Right Honourable the Lord Proprietary, or the Governor or Commander in Chief of this Province for the Time being, at ſome Time between the Twenty-fifth Day of *March* and the Twenty-fifth Day of *June*, which ſhall be in the Year Seventeen Hundred and Seventy-ſeven, ſhall and may nominate and appoint One Commiſſioner to receive and take in the Bills of Credit that ſhall be put into Circulation as aforeſaid, and to draw Bills of Exchange for the Satisfaction and Diſcharge thereof, in the Manner herein after mentioned, and who, for that Purpoſe, ſhall attend in the ſaid Office, on the Tueſday and Friday in every Week. And for the more eaſy and regular Management of the Affairs relating to the Truſt of ſuch Commiſſioner, the ſame Commiſſioner is hereby impowered to chooſe and employ a fit and able Perſon for his Clerk. But, before ſuch Commiſſioner, or the Perſon by him choſen and employed for his Clerk, ſhall enter upon the Execution of their reſpective Office, they ſhall reſpectively take ſuch Oaths, and give ſuch One *Commiſſioner* to be appointed between the 25th *March* and 25th of *June*, 1777. His Duty. Clerk to be employed. Commiſſioner and Clerk to take Oaths and give Bond, &c.

CHAP. XXXIV.

Their Bonds, how to be diſpos'd of.

ſaid Bond, with Sureties, in the Manner and Form before directed, as to the Commiſſioners firſt before-mentioned, and their Clerk, reſpectively: Which Bonds, ſo to be given by the ſaid One Commiſſioner, and his Clerk, ſhall be indorſed, numbred, and lodged, and Copies of the Records thereof be Evidence, in the ſame Manner as is herein before directed as to the Bonds of the ſaid Two firſt mentioned Commiſſioners, and their Clerk.

The Commiſſioners at what Time to take in Bills of Credit and draw Bills of Exchange on the Truſtees.

XX. And be it further Enacted, That the ſaid Commiſſioner, ſo as aforeſaid to be appointed to receive and take in the Bills of Credit aforeſaid, and to draw Bills of Exchange for the Satisfaction and Diſcharge thereof, ſhall, after his being qualified in Manner aforeſaid, between the ſaid Twenty-fifth Day of *June* Seventeen Hundred and Seventy-ſeven, and the Twenty-fifth Day of *December* then next inclusive, have and keep the Poſſeſſion and Cuſtody of the ſaid Paper-Currency-Office Repoſitory, and ſuch one of the Iron Cheſts therein which ſhall not contain any of the ſaid Bills of Credit not put into Circulation; and, that any Perſon or Perſons who ſhall have the Poſſeſſion of any Number or Quantity of the ſaid Bills of Credit, ſhall be, and is hereby entitled, upon producing the ſame before the ſaid Commiſſioner, in the ſaid Office, between the laſt aforeſaid Times, to have, demand, and receive from the ſaid Commiſſioner, Bills of Exchange for the full Value of the ſaid Bills of Credit ſo produced, at the Rate of Four Shillings and Sixpence Sterling per Dollar, to be drawn by the ſaid Commiſſioner upon the Truſtees reſiding in *London*; and the ſaid Commiſſioner is hereby directed, impowered, and authorized to draw one or more Sets of Bills of Exchange, payable at Forty Days Sight to the Perſon or Perſons producing ſuch Bills of Credit, or to his or their Order, to the ſaid Value or Amount of the ſaid Bills of Credit ſo produced as aforeſaid: Which ſaid Bills of Exchange ſhall be drawn upon the Truſtees reſiding in *London*; and in the Body of each reſpective Bill of Exchange, it ſhall be directed that the Monies to be paid, ſhall be placed to the Account of the Province of *Maryland*.

At what Rate and how Bills to be drawn.

The Truſtees to accept and pay the Bills drawn by the Commiſſioner.

XXI. And for the ſure Payment of the ſaid Bills of Exchange, ſo to be drawn by the Commiſſioner aforeſaid, in Manner aforeſaid, Be it Enacted, That the ſaid Truſtees, reſiding in *London*, ſhall, and they are hereby directed and enjoined to accept, in the uſual Form, all and every of the ſaid Bills of Exchange, immediately upon tendering and preſenting the ſame. And, to enable the ſaid Truſtees to pay the ſaid Bills of Exchange at the Time they ſhall become due, they, the ſaid Truſtees, are hereby directed, impowered, and authorized, at any Time between the Acceptance of the ſaid Bills of Exchange, and the Time of Payment thereof, to ſell and diſpoſe of any Quantity of the ſaid Capital Stock that may be neceſſary, for the beſt Price that can be had for the ſame, thereby to raiſe Monies for the Payment of the ſaid Bills of Exchange.

The Commiſſioner to lock up in the Iron Cheſt the Bills of Credit by him received.

XXII. And be it further Enacted, That the ſaid Bills of Credit, ſo to be received in by the ſaid Commiſſioner, ſhall, on his Receipt thereof, be carefully locked up in the Iron Cheſt in the ſaid Office, of which he ſhall have the Cuſtody and Poſſeſſion, and be there kept until the Meeting of Aſſembly which ſhall next happen after the ſaid Twenty-fifth Day of *December*, Seventeen Hundred and Seventy-ſeven aforeſaid; and the ſaid Commiſſioner ſhall alſo keep a fair, regular, and diſtinct Account of all Bills of Credit by him received, and Bills of Echange by him drawn as Commiſſioner aforeſaid; and, for his Care and Trouble in the Execution of his Duty, he ſhall be paid by the Truſtees aforeſaid, reſiding in *London*, Fifty Pounds Sterling; and the ſaid Commiſſioner ſhall alſo draw Bills of Exchange on the ſaid Truſtees reſiding in *London*, in the Manner and Form before directed, to the Perſon who ſhall be employed and act as his Clerk as aforeſaid, for the Sum of Thirty Pounds Sterling, as and for the full Reward and Satisfaction of

The Commiſſioner's Salary.

The Clerk's Salary.

the

the ſaid Clerk, which laſt mentioned Bills of Exchange ſhall be accepted; and out of the Produce of the Sales of a ſufficient Quantity of the ſaid Capital Stock, paid as aforeſaid. And the ſaid Commiſſioner ſhall lay before a Committee of both Houſes of Aſſembly, which ſhall be appointed at the next Meeting of Aſſembly after the ſaid Twenty-fifth Day of *December* Seventeen Hundred and Seventy-ſeven, the ſaid Accounts, by him to be kept, as aforeſaid, as well as all other his Proceedings in virtue of this Act, for the View, Inſpection, and Examination of the ſame Committee; and as well the ſaid Bills of Credit which ſhall be received in by the ſaid Commiſſioner, and by him locked up in the ſaid Iron Cheſt, of which he ſhall have the Cuſtody and Poſſeſſion, as any other of the ſaid Bills of Credit that may remain in the other Cheſt, not exchanged, for torn and defaced Bills, ſhall be, by the ſaid Committee, counted, burnt, and deſtroyed. And when the ſaid Bills of Credit ſhall be burnt and deſtroyed, and the Truſt herein before repoſed in the Commiſſioner aforeſaid, ſhall be fully and faithfully executed, the ſaid Commiſſioner, his Heirs, Executors, Adminiſtrators and Sureties, ſhall be, and for ever ſtand abſolutely exonerated and diſcharged from all Troubles, Suits, Coſts, Damages, and Charges whatſoever, as Commiſſioner aforeſaid, or as Bondſman or Sureties for the ſaid Commiſſioner.

CHAP. XXXIV.

To be paid by the Truſtees.

The Commiſſioner to lay before a Committee of both Houſes, his Accounts and Proceedings under this Act.

All the Bills of Credit to be counted, burnt, and deſtroy'd by the Committee.

Commiſſioner, after Execution of his Truſt, to be diſcharged, *&c.*

XXIII. **And be it further Enacted,** That ſuch Part of the Capital Stock of the Bank of *England*, belonging to the Public of this Province, which ſhall remain unſold, and all Intereſt, Produce, and Profit thereof, ſhall be and remain the Property of the Public of this Province, and ſhall be applied and diſpoſed of as the General Aſſembly of this Province ſhall direct and appoint.

Capital Stock, *&c.* remaining, to be diſpos'd of by the General Aſſembly.

XXIV. **And be it hereby Declared and Enacted,** That this preſent Act ſhall be taken and allowed as a Public Act, and all Judges, Juſtices, and other Perſons concerned, are hereby required to take Notice thereof as ſuch, without pleading the ſame ſpecially.

This Act to be deemed a Public Act.

XXV. **And be it further Enacted,** That all Penalties and Forfeitures which ſhall be incurred and recovered under this Act, ſhall be received by the Sheriff of the County wherein ſuch Recovery ſhall be made, and be by ſuch Sheriff paid into the Hands of the Treaſurer of the Shore whereon ſuch Recovery ſhall happen, and ſhall be applied and diſpoſed of as the General Aſſembly ſhall direct and appoint.

Fines and Forfeitures under this Act, how to be diſpos'd of.

XXVI. **Provided always,** and it is the true Intent and Meaning of this Act, that nothing herein contained, ſhall extend, or be conſtrued or taken to make any Tender of the ſaid Bills of Credit in Diſcharge of any Contract whatſoever lawful, except ſuch Contracts as ſhall or may be made expreſsly and ſpecifically for, or for the Delivery of ſuch Bills of Credit.

These Bills of Credit not a legal Tender, except under an expreſs Contract.

CHAP. XXXV.

An ACT to enable the Commiſſioners of the Office for emitting Bills of Credit to purchaſe Stationary-Ware neceſſary for the Uſe of the Upper and Lower Houſes of Aſſembly; and for other Purpoſes therein mentioned.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Commiſſioners appointed by the Act for the Payment of the Public Claims, for emitting Bills of Credit, and for other Purpoſes therein mentioned, ſhall, and

The Commiſſioners appointed by the Act for the Payment of the Public Claims, *&c.*

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and are hereby impowered to take Cuſtody of all and every ſuch Bill or Bills of Exchange, with the Proteſts belonging to this Province, as have been returned, or ſhall, during their Continuance in their Office, be returned proteſted by the Truſtees in *London*, which were lately remitted on Account of the Province to the ſaid Truſtees to be inveſted in Capital Stock of the Bank of *England*, and to aſk, demand, ſue for, and recover, in the Names of the former Commiſſioners or Truſtees who remitted them, or the Survivor or the Survivors of them, to the Uſe of this Province, all the Money that is, ſhall, or may be due on ſuch Proteſted Bill or Bills of Exchange, together with the Damages thereon, and out of the firſt Money they ſhall receive thereon, to tranſmit to ſome Merchant in *London*, the Sum of Twenty-five Pounds Sterling, with Orders to lay out the ſame (deducting Commiſſion and Charges) in one good Record-Book, and ſuch Parchment, Paper, Ink-Powder, and Quills, as the ſaid Commiſſioners ſhall direct; which ſaid Stationary Ware ſhall be purchaſed and ſhipped on the Riſque of the Public of this Province; and ſhall, on its Arrival, be to, and for the Uſe of the Upper and Lower Houſes of Aſſembly of this Province, to be expended in the Public Buſineſs; and the ſaid Commiſſioners ſhall be entitled to, and receive a Commiſſion of Five *per Centum* for their Trouble in negotiating the ſaid Proteſted Bills of Exchange, in Manner by this Act directed, and ſhall be, and are hereby impowered and allowed to pay themſelves ſuch Commiſſion or Satisfaction out of the Balance of Caſh now in the Repoſitory in the Paper-Currency-Office, as per Report of the Committee this Seſſion of Aſſembly, if ſufficient; if not, the Balance to retain out of the Money they ſhall receive on ſuch Proteſted Bill or Bills of Exchange; and the Reſidue of ſuch Money, after ſuch Retainer, and the Twenty-five Pounds aforeſaid for the Stationary Ware, to remit to the Truſtees of this Province reſiding in *London*, to be by them inveſted in Capital Stock of the Bank of *England*, for the Uſe of the Public of this Province.

impowered to receive the Money on the Proteſted Bills return'd by the Truſtees, &c.

To remit 25*l.* Sterling thereof to the Truſtees to be laid out in Stationary for the Uſe of both Houſes.

Commiſſioners Salary, 5 *per Centum*.

How to be paid.

The Reſidue to be remitted to the Truſtees.

II. **And whereas** There are ſeveral Sums of Money now due to the Public of this Province, which ought to have been paid into the Hands of the Commiſſioners or Truſtees for emitting the Bills of Credit heretofore eſtabliſhed and ſunk by Acts of Aſſembly: **Be it therefore Enacted**, That the Commiſſioners to be appointed in purſuance of the firſt before mentioned Act of Aſſembly, ſhall have full Power and Authority, and are hereby directed to ſue for, recover, receive, and obtain all Sums of Money which are ſtill due to the Public, and ought to have been paid into the Hands of the Commiſſioners or Truſtees for emitting Bills of Credit under the ſaid former Acts, in the ſame Manner that thoſe Commiſſioners or Truſtees might have done, which Monies ſhall be inveſted in Bills of Exchange, to be remitted to the Truſtees aforeſaid, reſiding in *London*, and be by them inveſted in Bank Stock as aforeſaid, the ſaid Commiſſioners retaining Five Pounds *per Centum* for their Trouble in recovering and remitting the Monies aforeſaid.

The Commiſſioners to recover Sums of Money due to the Public under former Acts.

To remit the ſame to the Truſtees, &c.

Commiſſioners Salary.

A LIST

A LIST of the LAWS paſt laſt SESSION.

CHAP.

AN ACT continuing an Act, entitled, *An Act for Amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.* IX.

An ACT to Repeal Part of an Act, entitled, *An Act for deſtroying Crows and Squirrels in particular Counties, and of Red Foxes in* Kent *and* Queen-Anne's *Counties, ſo far as the ſame extends to* Somerſet, Dorcheſter, *and* Worceſter *Counties.* X.

An ACT continuing an Act, entitled, *An Act for the ſpeedy Recovery of Small Debts out of Court, before One Juſtice of the Peace.* XI.

An ACT continuing an Act, entitled, *An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour and Bread.* XII.

An ACT continuing an Act, entitled, *An Act to remedy ſome Evils relating to Servants.* XIII.

An Act continuing an Act, entitled, *A Supplementary Act to the Act, entitled, An Act aſcertaining the Heighth of Fences, to prevent the Evil occaſioned by the Multitude of Horſes, and reſtraining Horſe-Rangers within this Province; and to redreſs the great Evil accruing to this Province, by the Multiplicity of uſeleſs Horſes, Mares, and Colts, that run in the Woods.* XIV.

An ACT for the building a Veſtry-Houſe at *Cheſter* Church, in *Kent* County, and Incloſing the Church-Yard, and for other Purpoſes. XV.

An ACT to impower the Juſtices of *Somerſet* County to levy on the Taxable Inhabitants of *Somerſet* Pariſh, in the ſaid County, the Quantity of One Hundred and Forty-four Thouſand Pounds of Tobacco, for the Uſes therein mentioned. XVI.

An ACT for the Adjournment and Continuance of *Frederick* County Court. XVII.

An ACT to Repeal Part of an Act, entitled, *An Act for the Encouragement of ſuch Perſons as ſhall undertake to build Water-Mills.* XVIII.

An ACT continuing an Act, entitled, *An Act for Relieving the Inhabitants of this Province from ſome Aggrievances in the Proſecution of Suits at Law*, and for continuing the Supplementary Act thereto. XIX.

An ACT to enable the Juſtices of *Charles* County Court to aſſeſs and levy on the Taxable Inhabitants of *Trinity* Pariſh, a Quantity of Tobacco for building a Chapel of Eaſe in *Benedict* Hundred, in ſaid Pariſh, and for other Purpoſes therein mentioned. XX.

An ACT continuing an Act, entitled, *An Act for impoſing an Additional Duty of Two Pounds per Poll on all Negroes imported into this Province.* XXI.

An Additional Supplementary ACT to the Act, entitled, *An Act for quieting Poſſeſſions, enrolling Conveyances, and ſecuring the Eſtates of Purchaſers.* XXII.

An ACT to eaſe the Inhabitants of this Province, and to impower the Juſtices of the ſeveral Counties to bind out the Perſons therein mentioned, Apprentices. XXIII.

An ACT for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of *Jonas Green*, of the City of *Annapolis*, Printer. XXIV.

A Supplementary ACT to the Act, entitled, *An Act to prevent the Miſchiefs ariſing from the Multiplicity of uſeleſs Dogs, and other Purpoſes therein mentioned.* XXV.

An ACT impowering the Juſtices of *Frederick* County, to levy on the Taxable Inhabitants of ſaid County, a Quantity of Tobacco, for building a Stone-Wall around the Public Priſon in ſaid County, and for other Purpoſes therein mentioned. XXVI.

A Supplementary ACT to the Act, entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees.* XXVII.

An ACT for the Relief of certain Languiſhing Priſoners in the ſeveral Goals therein mentioned. XXVIII.

An ACT to aid Defective Common Recoveries. XXIX.

An ACT to remove a Nuſance in *Baltimore-Town*, in *Baltimore* County; and for other Purpoſes therein mentioned. XXX.

An ACT concerning the Name of *John Beale Bordley*. [Private.] XXXI.

An ACT for Amending and Repairing the Public Roads in *Baltimore* County. XXXII.

An ACT to oblige infected Ships, and other Veſſels, coming into this Province, to perform Quarantine. XXXIII.

An ACT for the Payment of the Public Claims, for emitting Bills of Credit, and for other Purpoſes therein mentioned. XXXIV.

An ACT to enable the Commiſſioners of the Office for emitting Bills of Credit to purchaſe Stationary-Ware neceſſary for the Uſe of the Upper and Lower Houſes of Aſſembly; and for other Purpoſes therein mentioned. XXXV.

LAWS

OF

MARYLAND,

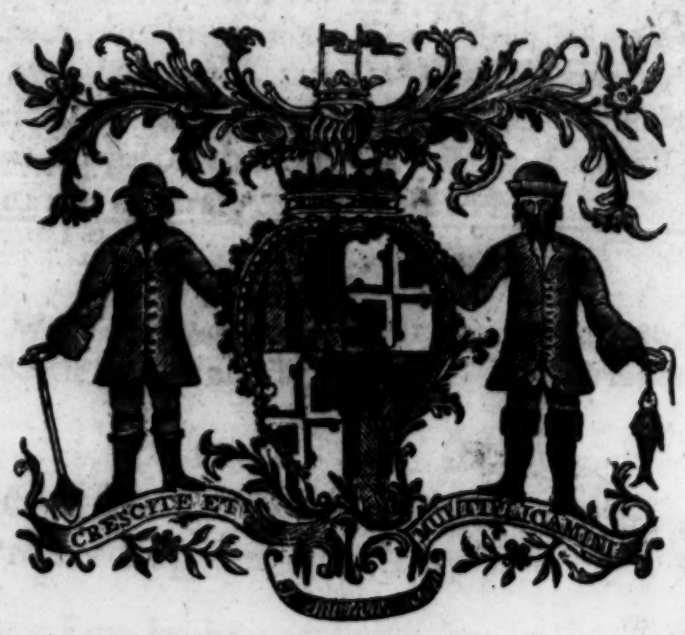
MADE AND PASSED

AT A

SESSION OF ASSEMBLY,

Begun and held at the City of ANNAPOLIS, on Tuesday the Twenty-fourth Day of *May*, in the Eighteenth Year of the Dominion of the Right Honourable FREDERICK, Absolute Lord and Proprietary of the Provinces of MARYLAND and AVALON, Lord Baron of BALTIMORE, *&c.* and ended the Twenty-second Day of *June*, *Anno Domini*, 1768.

PUBLISHED BY AUTHORITY.



ANNAPOLIS:

Printed by ANNE CATHARINE GREEN, Printer to the Province.

At a SESSION of ASSEMBLY, begun and held at the City of ANNAPOLIS, on Tueſday the Twenty-fourth Day of MAY, in the Eighteenth Year of the Dominion of the Right Honourable FREDERICK, Abſolute Lord and Proprietary of the Provinces of MARYLAND and AVALON, Lord Baron of BALTIMORE, &c. and ended the Twenty-ſecond Day of JUNE, *Anno Domini*, 1768: The following LAWS were enacted.

HORATIO SHARPE, Eſq; GOVERNOR.

CHAP. I.

An ACT for the Adjournment and Continuance of *Talbot*, *Baltimore*, and *Cæcil* County Courts.

Preamble.

WHEREAS ſeveral of the Attornies, practiſing the Law in the ſame Courts, and ſome other Perſons having Buſineſs in them, are Members of the Aſſembly, and obliged to attend their Duty therein:

Talbot, *Baltimore*, and *Cæcil* County Courts adjourned.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Cauſes, Pleas, Proceſs, and Proceedings, either Civil or Criminal, now depending in, or returnable to, the ſaid County Courts, of *Talbot* and *Baltimore*, to be held the Firſt Tueſday of *June*, in this preſent Year, ſhall be, and are, by virtue of this Act, adjourned and continued from the ſaid Firſt Tueſday of *June*, until the Firſt Tueſday of *Auguſt* next, and ſhall be in the ſame State and Condition, as they would be on the ſaid Firſt Tueſday of *June*. And that all Cauſes, Pleas, Proceſs, and Proceedings, either Civil or Criminal, now depending in, or returnable to the ſaid County Court of *Cæcil*, to be held the Second Tueſday of *June*, in this preſent Year, ſhall be, and are by virtue of this Act, adjourned and continued from the ſaid Second Tueſday of *June*, until the Second Tueſday of *Auguſt* next, and ſhall be in the ſame State and Condition, as they would be on the ſaid Second Tueſday of *June*; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. II.

An ACT to enable *Mary Darnall*, an Infant, to enter into, and accept of a Marriage-Settlement and Agreement. [*A Private Act.*]

CHAP. III.

An ACT to remedy ſome Inconveniencies ariſing from the Loſs of ſome Proceedings in *St. Mary*'s County Court.

Preamble.

WHEREAS a Fire broke out ſuddenly, in the Houſe of Mr. *Owen Allen*, Deputy-Clerk of *St. Mary*'s County, in the Month of *March* laſt paſt, and raged ſo violently, that notwithſtanding the utmoſt Endeavours, the ſaid Houſe, together with ſeveral original Papers, in Cauſes depending in the ſaid Court, and alſo divers Dockets belonging to the Clerk of ſaid Court, were conſumed.

CHAP. III.

The Chief Juſtice &c. to deliver to the Clerk, the Dockets made out by him for their Uſe.

II. And whereas, There may be an Obſtruction to Juſtice, in the ſaid ſeveral Cauſes, without the Aid of the Legiſlature; Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That the Chief Juſtice of the ſaid County Court, the Sheriff of the ſaid County, and the ſeveral Attornies practiſing in the ſame, ſhall, and they are hereby directed and required, to deliver up to Mr. *Benjamin Young*, Clerk of the ſaid County, their ſeveral and reſpective Dockets, for the ſeveral Courts, the Dockets of which ſhall appear to have been burnt and loſt, the aforeſaid Dockets having been made out and delivered by the ſaid Clerk, or his ſworn Deputy, to them, reſpectively, for their reſpective Uſes.

Cauſes brought to a final End, an Abſtract to be enter'd among the Records, &c.

III. And be it Enacted, That the ſaid Clerk ſhall, and may, in all ſuch Proceedings and Cauſes, whether Criminal or Civil, that ſhall appear from any, or either of ſuch Dockets, where no Executions have been iſſued therein; and where Execution hath been iſſued, then from ſuch Execution, to have been at either of the ſaid Courts finiſhed, and brought to final End, or other Determination, make out, and enter up, among the Records of the ſaid County, a Minute, Abſtract, or Abridgment of ſuch Proceedings, ſo determined in ſuch Manner, and with ſuch Judgment, End, or Determination, as ſhall, from the major Part of the ſaid Dockets, and the Juſtices, Sheriffs, and Attornies Entries thereon, and from ſuch Executions as are already iſſued, or ſuch Judgments, Ends, or other Determinations, reſpectively (always giving the Preference to ſuch Executions already iſſued, in ſuch Points as they ſhall be entitled to a Preference in) appear to have been the Judgment, End, or other Determinations, of ſuch Caſes reſpectively.

Executions, &c. to be entered in like Manner.

IV. And be it further Enacted, That all and every the Executions, and other judicial Proceſs, grounded upon any Judgment or Determination, made or obtained in the ſaid Court, and which Execution or other judicial Proceſs, has been returnable, and returned to the ſaid Court; and all and every the Acts or Proceedings of the Juſtices, the Sheriff, or the Clerk of the ſaid County, by virtue, and in Purſuance of ſuch Executions, or other judicial Proceſs, ſhall be aſcertained, entered, and made up in like Manner.

Difficulties ariſing, the Juſtices to aſſiſt.

V. And be it further Enacted, That in Caſe of any Uncertainty, or other Difficulty to the ſaid Clerk, in making ſuch Abſtract, Minute, or Abridgement, he ſhall, and is hereby required and directed, to apply to the Juſtices of the ſaid County, at any future Sitting in Court, for their Aſſiſtance and Direction therein; and they are hereby authoriſed and required to give the ſame.

Such Abſtract and Executions ſo entered to be good and valid.

VI. And be it further Enacted, *by the Authority aforeſaid*, That ſuch Abſtract, Minute, or Abridgment, ſo as aforeſaid by the ſaid Clerk entered, and all Executions, and other Proceſs, already iſſued, or to be iſſued, and all Acts and Proceedings, in Purſuance and by Virtue thereof, ſhall be, and ſhall be deemed, conſtrued, and taken to be as good, valid and effectual, to all Intents and Purpoſes whatſoever, as if the Judgments, Ends, or other Determinations of the ſame reſpective Executions, and other judicial Proceſs, had been regularly entered up, or were now actually remaining, or filed among the Records and Proceedings of the ſaid County Court, in uſual Form; any Law, Uſage, or Cuſtom to the contrary, in any wiſe notwithſtanding.

Cauſes not determined, the Juſtices to proceed in a ſummary Way, or in Equity, and all

VII. And be it further Enacted, *by the Authority aforeſaid*, That all ſuch Cauſes as were not determined in the ſaid Court, ſhall and may be heard and determined; and the Juſtices of the ſaid County, for the Time being, are hereby authoriſed and impowered to hear, adjudge of, and determine the ſame, either in a ſummary Way, by the beſt Evidence the Nature of each Caſe

Case will admit of, or by Bill filed on the Equity-Side of the said County Court, as to the Plaintiffs in such Suits or Actions shall seem meet; and for that Purpose, the said County Court, is hereby also authorised and impowered, as a Court of Equity, to hold Plea of such Sums so as aforesaid, heretofore sued or prosecuted to any Amount, not exceeding the Jurisdiction of the Law-Side thereof; and that such Hearing and Determination, either in a summary Manner, or in Equity, as aforesaid, and all Entries and Records thereof, and all Executions and Process thereon, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been heard, adjudged, determined, and entered in usual Form; any Law, Usage, or Custom to the contrary, notwithstanding.

CHAP. III.

Entries and Executions thereon to be valid.

VIII. **And be it further Enacted**, *by the Authority aforesaid*, That the Continuance of all such Causes, as were not determined in the said Court, at *March* Court last, shall and may, by and with the Consent and Direction of the Justices of the said County, in Court sitting, be entered upon Record, from *March* Court aforesaid, as the Case shall happen, from Court to Court, until *March* Court now next ensuing, for the said County inclusive, and no longer, except in Cases where Evidence may be wanting, beyond Sea, at the Direction of the said Court; any Law, Usage, or Custom, to the contrary, notwithstanding.

Causes not determined at *March* Court last, may with the Consent of the Justices be entered and continued from that Time.

IX. **Provided always**, That nothing herein before contained, shall extend, or be construed to extend, to supply or make good any other Defect or Irregularity, than what hath necessarily followed from the Accident of the Fire aforesaid.

Proviso.

CHAP. IV.

An ACT for the Preservation of the Breed of Fish.

WHEREAS it is found by Experience, that large Quantities of young Fish, unfit for Use, have been for many Years past killed and destroyed by Wears, Dams, Pots, and other Devices, formed and erected in the Rivers of *Susquehannah* and *Patuxent*, for the taking of Fish, whereby great Quantities of Fish, which were formerly to be found and taken in said Rivers, and other Rivers in this Province, are much diminished, to the great Damage and Injury of the Public; for Remedy whereof;

Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That if any Person or Persons whatsoever, from and after the End of this Session of Assembly, shall build, set up, repair, or maintain, or shall be aiding, assisting, or abetting in building, setting up, repairing, or maintaining any such Wears, Fishing-Dams, Pots, or any other Devices whatsoever, for the taking of Fish within the Rivers aforesaid, by which the Fish may be obstructed from going up, or coming down the said Rivers, or shall take or destroy any kind of Fish whatsoever, in any such Wear, Fishing-Dam, Pot, or other Device aforesaid, every such Person or Persons, so offending, contrary to the true Intent and Meaning of this Act, being legally convicted thereof, by the Oath of one or more credible Witness or Witnesses, or by his or their Confession, shall forfeit and pay the Sum of Twenty Pounds Current Money for every such Offence, one Moiety of which Sum, so forfeited, to be paid to the Informer or Prosecutor, and the other Moiety thereof, to be paid to the Sheriff of the County where the Recovery shall be had, to be by him paid and accounted for, to the Justices of the several County Courts, respectively, and by them applied towards clearing the Navigation of the said Rivers; to be recovered by Action of Debt, Bill, Plaint, or Information, with full Costs of Suit, in any

Persons not to build or repair Wears, &c. for destroying Fish.

Penalty how to be recovered and applied.

any County Court of this Province, where ſuch Offender ſhall be apprehended or reſide.

Wears, &c. may be deſtroyed.

III. **And be it Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That it ſhall and may be lawful to, and for any Perſon or Perſons whatſoever, to break, throw down, remove, and deſtroy, all or any ſuch Wear or Wears, Fiſhing-Dam, Pot, or other Device, built or ſet up, or to be built or ſet up, in the aforeſaid Rivers, for catching of Fiſh as aforeſaid.

Perſons ſued, may plead the general Iſſue.

IV. **And be it further Enacted**, *by the Authority, Advice, and Conſent aforeſaid*, That if any Perſon or Perſons, ſhall be ſued or impleaded, for breaking, throwing down, removing, or deſtroying any ſuch Wear or Wears, Fiſhing-Dam, Pot, or other Device, built, or ſet up contrary to the true Intent and Meaning of this Act, it ſhall and may be lawful for ſuch Perſon or Perſons, to plead the general Iſſue, and give this Act and the ſpecial Matter in Evidence; and, if upon Trial, the Plaintiff or Plaintiffs ſhall be non-ſuit, or ſhall diſcontinue his or their Suits, then, and in ſuch Caſe, the Defendant or Defendants ſhall recover double Coſts.

Seans may be drawn in *Patuxent*, from the 20th of *February*, to the 20th of *May*, annually, 4 Days in each Week.

V. **And be it further Enacted**, That no Perſon or Perſons whatſoever, ſhall, from and after the Twentieth Day of *February* next, until the Twentieth Day of *May* enſuing, and ſo yearly, and every Year, during the Times aforeſaid, hale, draw, or lay acroſs any Sean or Seans, thereby to catch any Fiſh in the ſaid River of *Patuxent*, from *Mount-Calvert*, to the Head thereof, except on Tueſday, Wedneſday, Thurſday, and Friday, in each Week, during the Times aforeſaid, and the Continuance of this Act; and that if any Perſon or Perſons, ſhall hale, draw, or lay acroſs any Sean or Seans, on any other Day or Days, except as before excepted, during ſaid Time, and be thereof legally convicted, by the Oath of one or more credible Witneſs or Witneſſes, or by his or their Confeſſion, ſhall forfeit and pay the Sum of Ten Pounds Current Money, to be recovered and applied as aforeſaid.

Proviſo.

VI. **Provided always**, That nothing in this Act contained, ſhall prevent any Perſon or Perſons whatever, from erecting ſuch Wears as are commonly ſet in the Sides of the Rivers, any where in the River *Suſquehannah*, where the Tide ebbs and flows, nor in any Part of the River *Patuxent*, below the Place commonly called *Mount-Pleaſant*.

Continuance.

VII. This Act to continue for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

CHAP. V.

An ACT to prevent any Obſtruction of the Navigation in the River *Patowmack*.

Preamble.

WHEREAS it is repreſented to this General Aſſembly, That the Water-Carriage is greatly obſtructed by erecting Fiſh-Dams above the Falls in the River *Patowmack*, and alſo in *Monocoſy* River:

Fiſh-Dams, &c. erected between the *Great-Falls* and *Wills*'s Creek, &c. deem'd Nuiſances.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Fiſh-Dams, or other Devices for catching of Fiſh, already made, or hereafter to be made, and all other Erections hereafter to be made, in the River *Patowmack*, between the *Great-Falls* and *Wills*'s Creek, or in the River *Monocoſy*, below the dividing thereof into the two Pipe Creeks, ſhall be, and are hereby deemed and declared Nuiſances, and may, by any Perſon or Perſons, be

be pulled down, proſtrated, and abated as ſuch. And, that no Perſon or Perſons whatſoever, ſhall hereafter put, place, or erect, any ſuch Fiſh-Dam, or place or make any Heap of Stones, or other Erection whatſoever, within the ſaid Parts of either of the ſaid Rivers, under the Penalty of Fifteen Pounds Current Money, for every ſuch Offence, to be recovered in any Court of Record within this Province, with Coſts, by Action of Debt, Bill of Indictment, or Information, wherein but one Imparlance ſhall be allowed; one Half to the Informer, or him or them that will ſue or proſecute to Effect, for the ſame, and the other Half thereof to be paid to the Sheriff of *Frederick* County, to be by him accounted for, and paid to the Juſtices of ſaid County, and by them applied towards clearing or improving the Navigation of the ſaid Rivers.

CHAP. V.

No more to be erected under a Penalty.

III. **And be it further Enacted**, That if any Perſon or Perſons, ſhall obſtruct or hinder any other Perſon or Perſons, in, or from pulling down, proſtrating, or abating any ſuch Nuiſance as aforeſaid, or ſhall aſſault or wound any Perſon, for pulling down, proſtrating, or abating any ſuch Nuiſance as aforeſaid, or for attempting ſo to do, every ſuch Perſon, for every ſuch Offence, beſides being ſubject to the Action of the injured Party for Damages, ſhall forfeit the Sum of Twenty Pounds Current Money; to be recovered with Coſts, and applied as aforeſaid.

Perſons obſtructing the pulling down ſuch Nuiſance, to forfeit 20*l.* &c.

IV. **And be it further Enacted**, That in any Action or Suit for Recovery of any of the ſaid Penalties, and alſo in any Action for an Aſſault, beating, or wounding, for pulling down, proſtrating, or abating ſuch Nuiſance, as aforeſaid, or for attempting ſo to do, on an Affidavit, or other Proof, ſatisfactory to the Court, where ſuch Suit or Action is depending of, there being Cauſe for bringing the ſame, the Defendant ſhall and may be compelled to give good and ſufficient Special Bail.

On Suit brought for ſaid Penalties, &c. Bail to be given.

V. **And be it alſo Enacted**, That this Act ſhall be deemed a Public Act, and the ſame ſhall, and may be given in Evidence, in Juſtification of, or for any Matter or Thing done by virtue thereof, on the General Iſſue, without ſpecially pleading the ſame.

Deem'd a Public Act.

VI. **Provided always**, That this Act, or any Thing therein contained, ſhall not hinder, or be conſtrued to hinder, or prevent the erecting, or cauſing to be erected, any Bridge or Bridges over the ſaid River *Monocoſy*, with convenient Arches, for admitting of Boats and other Veſſels of Burthen, paſſing through the ſame, with the leaſt Obſtruction that may be.

Proviſo.

CHAP. VI.

An ACT appointing new Viſitors for the Public School in *Frederick* County, and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Gentlemen named as Viſitors for *Frederick* County School, by the Act, entitled, *An Act for erecting a Public School in* Frederick *County*, live ſo remote and diſtant from each other, that it has been found inconvenient for them to attend and execute the Duties of their Office: And, whereas alſo, by the abovementioned Act, it is directed, That there ſhall be one Acre of Land purchaſed in *Frederick-Town*, in order to the building and erecting a County School, which it is apprehended will be attended with too much Expence;

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That in order to the erecting and building a Houſe, and other Conveniencies, for a County School,

Half an Acre of Land to be purchaſed by the Viſitors, for erecting a County School.

CHAP. VI.

School, there ſhall be One Half Acre of Land, and no more, purchaſed in *Frederick-Town*, in *Frederick* County, by the Perſons hereafter named, who ſhall be Viſitors of the ſaid School, *viz. Jonathan Wilſon*, *Thomas Bowles*, *George Murdock*, Major *Joſeph Wood*, *Thomas Price*, *Caſpar Shaaff*, and *Charles Beatty*, which ſaid Perſons, ſo nominated Viſitors for *Frederick* County School, ſhall qualify in the ſame Manner, and be ſubject to the ſame Penalties, and be inveſted with the ſame Rights, Privileges, Powers, and Authorities, as the Viſitors of the other County Schools within this Province, and ſhall have Succeſſion in like Manner.

Duties collected, &c. a Dividend to be paid to the Viſitors, &c.

III. **And be it further Enacted**, That of all the Duties, Taxes, and Impoſitions, hereafter to be collected, and which, ſince the Twenty-ninth Day of *September*, in the Year of our Lord Seventeen Hundred and Sixty-three, have been collected for the Uſe of the County Schools within this Province, there ſhall be paid by the Treaſurers, to the Viſitors aforeſaid, or their Order, an equal Dividend, by them to be applied, and expended to, and for the purchaſing of One Half Acre of Land, as aforeſaid, and building an Houſe, and other Conveniencies, as aforeſaid, and to and for the Uſe and Benefit of the ſaid School, in the like Manner as the Dividends due to the other County Schools, are by Law directed to be applied.

CHAP. VII.

An ACT for granting to the *Nanticoke Indians*, a Compenſation for the Lands therein mentioned.

Preamble.

WHEREAS the greateſt Part of the Tribe of the *Nanticoke Indians*, have ſome Years ago, left and deſerted the Lands in this Province, appropriated by former Acts of Aſſembly for their Uſe, ſo long as they ſhould occupy the ſame; and the few that remain, have, by their Petition to this General Aſſembly, prayed that they might have Liberty to diſpoſe of their Right to the ſaid Lands, or that ſome Compenſation ſhould be made them for quitting Claim thereto, as they are deſirous of totally leaving this Province, and going to live with their Brethren, who have incorporated themſelves with the Six Nations; and that they have given a Power of Attorney to a certain *Amos Ogden*, to diſpoſe of the ſaid Lands for them, and to execute a Releaſe and Acquittance therefor, which Power appears to be confirmed and approved by Sir *William Johnſon*, his Majeſty's Superintendant of *Indian* Affairs for the Northern Department. And whereas *Robert Darnall*, and *Sarah* his Wife, *Henry Steele*, and *Ann* his Wife, and *John Henry*, and *Dorothy* his Wife, (which ſaid *Sarah*, *Ann*, and *Dorothy*, are the Co-heireſſes of Col. *John Rider* deceaſed) have by their Petition, ſet forth to this General Aſſembly, That One Tract of Land, called *The Reſerve*, originally, on the Fifteenth Day of *May*, One Thouſand Six Hundred and Sixty-five, granted to a certain *John Anderton*, for Eight Hundred Acres; another Tract called *Handſell*, on the Thirteenth Day of *July* in the ſame Year, granted to a certain *Thomas Taylor*, for Seven Hundred Acres; and one other Tract, called *Bartholomew's Cloſe*, on the Tenth Day of *November*, One Thouſand Six Hundred and Ninety-five, granted to a certain *Thomas Hicks*, for One Hundred and Sixty-four Acres, lie within the Boundaries of a large Tract of Land laid out for the ſaid *Indians*, by virtue of an Act of Aſſembly, made in the Year of our Lord One Thouſand Seven Hundred and Four, entitled, *An Act for aſcertaining the Bounds of a certain Tract of Land, to the Uſe of the* Nanticoke Indians, *ſo long as they ſhall occupy and live on the ſame*, and that the ſaid Three ſmall Tracts of Land, became, by Purchaſe and Deviſe, the Right of the ſaid Col. *John Rider*, and the Reverſion thereof is now in the ſaid Petitioners; and prayed, as the ſaid Lands had been heretofore taken from their Anceſtors, for the Public Account, that the Public Money might be now applied, to purchaſe a Releaſe of the *Indians* Claim to the ſame for their Uſe, which this

this General Assembly have thought reasonable to grant. And, whereas the said *Amos Ogden*, hath, in Behalf of the said *Indians*, offered to take the Sum of Six Hundred and Sixty-six Dollars, and Two Thirds of a Dollar, for a Release of Right, and full Acquittal of Claim of the said *Nanticoke Indians*, as well to the aforesaid Three Tracts of Land, as to Three Thousand Acres, lying on *Broad-Creek*, in *Somerset* County, by an Act made in the Year of our Lord Seventeen Hundred and Eleven, entitled, *An Act to impower Commissioners to appoint, and cause to be laid out, Three Thousand Acres of Land on* Broad-Creek, *in* Somerset *County, for the Use of the* Nanticoke Indians, *so long as they shall occupy the same*; which said Three Thousand Acres having been paid for by the Public, when the said *Indians* should cease to occupy, is by the said last recited Act, to be disposed of as the General Assembly shall direct and appoint.

A Committee of the Assembly impowered to pay the *Indian* Agent for their Land., &c.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Committee appointed this present Session of Assembly, to inspect the Accounts and Proceedings of the Commissioners, appointed by virtue of the Act, for the Payment of the Public Claims, for emitting Bills of Credit, and for other Purposes therein mentioned, are hereby directed and required to pay to the said *Amos Ogden*, for the Use of the said *Nanticoke Indians*, the said Six Hundred and Sixty-six Dollars, and Two Thirds of a Dollar, out of the Bills of Credit now in the Office, belonging to the Country, in full Satisfaction for the said Tribe of *Nanticoke Indians*, their Claim to the said Lands, and to take his Receipt for the same, which Payment shall, to all Intents and Purposes, vest the said *Robert Darnall*, and *Sarah* his Wife, *Henry Steele*, and *Ann* his Wife, and *John Henry*, and *Dorothy* his Wife, with the same Right of Entry in, and Claim to, the said Three Tracts of Land, called *The Reserve*, *Handsell*, and *Bartholomew's Close*, as if the said *Indians* had totally deserted and quitted Claim to the same; any Thing in any other Act of Assembly, to the contrary, notwithstanding.

Commissioners appointed to make Public Sale thereof, &c.

III. **And be it further Enacted**, That Messieurs *William Allen*, *Levin Gale*, and *Henry Steele*, are hereby appointed Commissioners, and they, or any Two of them, are impowered to make Sale of the aforesaid Three Thousand Acres of Land, lying on *Broad-Creek*, as aforesaid, by Way of Vendue, to the highest Bidder (giving at least Two Months Notice of such Sale, in the *Maryland* and *Pennsylvania* Gazettes) the Whole together, or divided into Parcels, as shall best suit the Purchasers, and make a Conveyance or Conveyances thereof; the said Sale to be made at Twelve Months Credit, if required, by any of the Purchasers, they paying Interest from the Time of the Sale, and giving Bond, or Bonds, with Sureties, to be approved by the said Commissioners, to the Treasurer of the Eastern Shore, for the Time being, for the Use of this Province; which Bond, or Bonds, or Money arising on the Sale, (if any of the Purchasers should choose to pay the Money) the said Commissioners shall return, and pay to the said Treasurer, and take his Receipt for the same, and shall also return the said Receipt to the next General Assembly, after such Sale, as well as an Account of their Proceedings and Expences therein, which Expences, together with a Commission of Five *per Cent* on the Money, for which the said Lands shall be sold, shall be paid to the said Commissioners, out of the Bills of Credit in the Office, belonging to the Country, and they, the said Commissioners, shall then be fully discharged of their said Trust, and shall not be any further answerable therefor.

The Proceeds to be paid to the Treasurer of the Eastern Shore, &c.

An Account to be return'd to the General Assembly, &c.

CHAP.

CHAP. VIII.

A Supplementary Act to the Act, entitled, *An Act for erecting a new Pariſh in* Kent *County, called* Cheſter *Pariſh, and for building a Pariſh Church, and enlarging a Chapel of Eaſe within the ſaid Pariſh.*

Preamble.

WHEREAS the Inhabitants of *Cheſter-Town*, in *Kent* County, and other Inhabitants of *Cheſter* Pariſh, in the ſaid County, have ſet forth, That in order to have a new and commodious Chapel in the Town aforeſaid, ſufficient to hold all the People that live convenient, to attend Divine Worſhip therein, many well diſpoſed People have voluntarily ſubſcribed large Sums of Money, to the Amount of Five Hundred Pounds, or upwards, to be paid towards building the ſaid Chapel, in the ſaid Town, which, with the Fifty Thouſand Pounds of Tobacco, appropriated by the Act, to which this is a Supplement, to make an Addition to the Houſe of Worſhip, formerly erected in the ſaid Town, the Bricks and Materials of the old Church, and the Money that might ariſe by the Sale, to the higheſt Bidders, of ſuch Pews as ſhould be made in the ſecond Story, excluſive of a ſufficient common Gallery, and ſuch as may remain undiſpoſed off in the lower Story, to ſuch of the Freeholders of the ſaid Pariſh as ſhall not have Pews or Seats in the lower Part; the Proprietors of the old Church, and all other Perſons who are Owners of Lots, and reſide in Town, having Seats in the lower Part of the ſaid new Church, (thoſe that have no Seats in the old, paying the Coſts of erecting ſaid Pews in the new) a good new Brick Chapel might be built, Sixty Feet long, Forty Feet wide, and Two Story high, with a Stone Foundation, and well finiſhed off, and that the Ground in the ſaid Town, already appropriated for the Church, is full ſmall for a Burying Ground, and that the ſaid Chapel would ſtand much better on a Part of the Public Ground, laid out in the ſaid Town for the Court-Houſe, and that no Inconveniencies would ariſe to the Public, from placing the ſaid Church thereon, with Liberty of incloſing a ſmall Yard round the ſame; and have therefore prayed that an Act might paſs for the Purpoſes aforeſaid, and that ſome Gentlemen reſiding in the ſaid Town, who could ſee the Work properly and faithfully executed, might be impowered by the ſaid Act to carry it into Execution, and to diſpoſe of the Pews, when finiſhed, agreeable to the Directions of the ſaid Act.

Part of the Public Ground on *Cheſter-Town* appropriated for building a Chapel, &c. but no Corps to be interr'd therein under a Penalty.

II. **Be it therefore Enacted,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That Part of the Public Ground, in *Cheſter-Town* aforeſaid, at the Corner of High-Street and Croſs-Street, of the Extent of Ninety Feet on High-Street, and One Hundred and Twenty Feet on Croſs-Street, ſhall be, and is hereby appropriated for the building and placing the ſaid intended new Chapel, and to incloſe a Yard round the ſame, and ſhall be, and remain to the Uſe of a Church or Chapel, in the ſaid Town, for ever; but that no Perſon whatſoever, ſhall be underſtood therefrom, to have any Right to break the ſaid Ground to bury the Corps of any one deceaſed: And if any Perſon or Perſons, ſhall hereafter preſume or attempt to bury any Corps, or dead Body, within any Part of the ſaid Ground, ſo as aforeſaid appropriated to build the ſaid Chapel on, he, ſhe, or they, ſo offending, ſhall forfeit and pay the Sum of Ten Pounds Current Money; the One Half thereof to be paid to the Veſtry of the ſaid Pariſh, to be by them applied towards the Repairs of the ſaid Chapel, the other Half to whoever ſhall ſue for the ſame, together with full Coſts of Suit, to be recovered by Action of Debt, in the County Court.

III. And

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III. And be it further Enacted, That Meſſieurs *James Anderſon*, *William Ringgold*, *William Bordley*, *Emory Sudler*, and *James M'Clean*, now dwelling and reſiding in the ſaid *Cheſter-Town*, ſhall be, and are hereby appointed Truſtees, and they, or any Three of them, are hereby impowered to contract with proper Workmen, purchaſe Materials, and carry on and finiſh the Building, and compleating a good Brick Chapel, Sixty Feet long, Forty Feet wide, and Two Stories high, with a Stone Foundation, on the Ground aforeſaid; and the Sheriff of the County aforeſaid, is hereby directed and required to pay the Fifty Thouſand Pounds of Tobacco, by the above recited Act appropriated, to make an Addition to the Houſe of Worſhip, in the ſaid Town, to the Order or Orders of the ſaid Truſtees, or any Two of them; any Thing in the ſaid recited Act to the contrary, notwithſtanding. And the ſaid Truſtees, or any Three of them, are hereby impowered to receive the ſaid Fifty Thouſand Pounds of Tobacco, of the ſaid Sheriff, or draw an Order or Orders, for the ſame, and alſo to receive the Monies ſo ſaid to be ſubſcribed, or that ſhall hereafter be ſubſcribed, towards building the ſaid Chapel, or to ſue for, and recover ſuch Monies, in caſe the Subſcribers ſhould neglect or refuſe to pay the Sums ſubſcribed by them, reſpectively; and alſo to number and diſpoſe of the Pews or Seats that ſhall be made in the Second Story of the ſaid Chapel, excluſive of a ſufficient Common Gallery, and alſo excluſive of ſuch as may be wanted in the Second Story, to accommodate the Proprietors of the old Church; and the Owners of Lots, and Subſcribers to the ſaid new Chapel, as herein after directed, at Public Sale, to the higheſt Bidder, who ſhall be a Freeholder of Fifty Acres of Land, at leaſt, within the ſaid Pariſh, on which ſome Perſon or Perſons are dwelling, and pay Taxes within the Pariſh, and which Freeholder ſhall not have a Pew or Seat in the lower Part of the ſaid Chapel, and receive the Money ariſing by the Sale of the ſaid Pews; all which Fifty Thouſand Pounds of Tobacco, Subſcription Money, Money ariſing from the Sale of the ſaid Pews, and the Bricks, and other Materials of the old Church, they ſhall apply towards the building and finiſhing the ſaid intended new Chapel.

Truſtees appointed and impowered to contract with Workmen, and purchaſe Materials for building the ſaid Chapel, and to receive the Tobacco and Monies appropriated to that Uſe.

IV. And be it further Enacted, That the ſaid Truſtees, ſhall alſo cauſe Pews or Seats to be erected in the lower Part of the ſaid new Chapel, ſufficient in Number, and Room, or as near as may be, for the Proprietors of the old Church, to have as good Seats in the new, as they had in the old; and for thoſe Owners of a Lot, or Lots, in the ſaid Town, and Dwellers therein, and others who have ſubſcribed the Sum of Ten Pounds, or upwards, towards the building the ſaid Chapel, to have Seats or Pews therein, alſo of the ſame Dimenſions; and ſuch others who have ſubſcribed leſs than Ten Pounds, to have Half Pews, ſo as Two of ſuch Subſcribers may be put into one Draft, and one of them draw; and that when the Pews are erected, they ſhall be all numbered, except the one Mr. *Thomas Marſh* may chooſe, he having piouſly ſubſcribed Seventy Pounds Current Money, on Condition of having his Choice of a Pew in the ſaid Chapel; and, if not enough in the lower Part, to be made up in the ſecond Story, and the ſeveral Numbers wrote on ſo many Pieces of Paper, and put into a Box, and the Names of the ſeveral Perſons, ſo entitled to Pews or Seats, whether by Subſcription, or otherwiſe, alſo wrote on ſo many Pieces of Paper, and put into another Box, and ſome indifferent Perſon to draw out all the Names, and in the Order as the Names riſe for the Perſons whoſe Names come up, or ſome Perſon by their Direction, to draw out of the Box of Numbers; and the Number each Perſon draws, ſhall entitle him, or her, their Heirs, and Aſſigns, to the Pew or Seat of that Number, and it ſhall be entered on the Regiſter-Book of the ſaid *Cheſter* Pariſh, accordingly, for which Entry, each Owner of a Pew, ſhall pay the Regiſter One Shilling Current Money; every of the ſaid Perſons, Owner of a Lot or Lots, in the ſaid Town, and dwelling therein (and not Proprietors of the old Church) and every Subſcriber as aforeſaid, towards building the ſaid new Church, firſt paying, before

Pews to be erected, and to be diſpoſed of.

The Proprietor of each Pew to have it entered on the Regiſter-Book and ſuch as were not Proprietors in the old Church, to pay the Expence of erecting their Pew, &c.

CHAP. VIII.

such Entry shall be made, to the said Trustees, to be applied also towards the building the said Church, the bare Cost of erecting the Pew, by him, or her, so drawn, over and above the Sum of Money by such Person respectively subscribed; which, if any Person, so drawing a Pew, shall refuse or neglect to do, then the said Trustees shall, and are hereby impowered to sell the Pew, or Pews, so refused or neglected to be paid for, at Public Sale, to the highest Bidder, which Sale shall vest the Buyer, his Heirs, and Assigns, with a good Title to the said Pew, or Pews, so sold; and the same shall be entered by the Register of the Parish, as aforesaid, and the Money to be, by the said Trustees applied, as aforesaid; and if the lower Floor of the said Chapel, should be found spacious enough for the Chancel, Pulpit, and more Pews than sufficient for the Proprietors of the old Church, Owners of Lots, resident in the Town, and Subscribers to the new Building, as aforesaid, the said Trustees shall, and are hereby enabled and required, to sell and dispose of such overplus Pews, to the Freeholders of the said Parish, in the same Manner, and to the same Use, as they are herein before directed to sell the Pews in the second Story of the said Chapel; which Sale, as well as the Sale aforesaid, of the Pews in the said Second Story, shall be entered on the said Parish Register-Book, by the Parish-Register; and the Buyers of all such Pews, shall be thereby vested with a good Title in the said Pews, to them, their Heirs, and Assigns, for ever; for which Entry of each Pew, the said Clerk shall be paid One Shilling Current Money, as aforesaid.

If any overplus Pews, to be sold by the Trustees.

In case of Death, other Trustees to be chosen.

V. And be it further Enacted, That if it shall happen, that any of the said Trustees should die, before the said Trust is fully and compleatly executed, it shall and may be lawful, for the Inhabitants of the said *Chester-Town*, and Owners of a Lot or Lots therein, or the major Part of them, to elect and choose some other discreet Person, Resident in the said Town, as Trustee, in Place of the one that is dead, and so as often as any one may die, to keep up the Number of the Trustees, until the said Trust is fully executed; and those who shall be so chosen, shall have the same Powers and Authorities for the Purposes aforesaid, as if particularly named by this Act. And, whereas the Vestry of the said *Chester* Parish, being impowered by the said recited Act, to sell and dispose of the Pews in the Parish Church, when finished, to the Freeholders of the said Parish, and being also very desirous to give general Satisfaction therein, and apprehending there will not be Pews enough in the said Parish Church, to accommodate all who claim a Preference therein, under their several Constructions of the said Act, the said Vestry have prayed, That their Duty in the said Business may be more particularly explained and delineated.

When the Pews are finished, Public Notice to be given to the Freeholders, and the Pews to be drawn by Ballot, &c.

VI. Be it therefore Enacted, *by the Authority aforesaid*, That when the Pews in the said Parish Church, are finished, the Vestry of the said Parish, shall cause their Register to set up an Advertisement at the Church-Door, and other Public Places in the said Parish, giving Notice for all the Freeholders of the said Parish, having a Freehold Estate of Fifty Acres of Land, at the least, within the said Parish, and on which some Person or Persons dwell, and pay Taxes, within the said Parish, to appear themselves, or by some other Person for them, at the said Parish Church, at a Day and Hour to be in the said Advertisement mentioned, not less than Twenty Days after the setting up of the said Notices, and signify their Desire to purchase a Seat, or Pew, in the said Church, or such Part of a Pew, as the Vestry may find can be allotted to the Share of such Freeholder, and his Family; and the said Vestry shall number the said Pews or Seats, and take the Names of the Persons, so applying, and then cause the said Pews, or Seats, to be drawn by such of the Freeholders, as aforesaid, by Ballot, in the same Manner as by this Act is directed, for drawing the Pews in the lower Part of the Chapel, in *Chester-Town*; and the Number each Person shall so draw, shall entitle him, his Heirs,

Heirs, and Assigns, to the Pew, or Seat, of that Number; and it shall be entered on the Register-Book accordingly, the Owner first paying the Cost of such Pew, to the Vestry; and the said Owner shall also pay the Register, One Shilling Current Money, for such Entry. CHAP. VIII.

VII. **Provided nevertheless**, That if the Purchase-Money is not paid down immediately, on Request, to the said Vestry, they are hereby impowered and required, if there should not be Pews or Seats enough, for all the Freeholders of the said Parish, applying as aforesaid, to permit such as may have drawn Blanks, to draw again in Manner aforesaid, for such Pew, or Pews, so refused or neglected to be paid for; and if all the Freeholders, as aforesaid, have Pews, then to sell, and dispose of, such Pews as are not paid for, or may be left at the next Vestry-Day, to the highest Bidder, and the Money over paying for the erecting the Pews, to be applied as the said Vestry shall think proper, to the Use of the Church. Proviso.

CHAP. IX.

An ACT to impower the Justices of *Somerset* and *Worcester* Counties, to levy on the Taxable Inhabitants of *Stepney* Parish, in *Somerset* and *Worcester* Counties, the Quantity of One Hundred and Sixty Thousand Pounds of Tobacco, for the Uses therein mentioned.

WHEREAS the Vestrymen, Churchwardens, and sundry of the Inhabitants of *Stepney* Parish, lying in *Somerset* and *Worcester* Counties, have, by their humble Petition to this General Assembly, set forth, That their Chapel of Ease, known by the Name of *Godderd*'s Chapel, is not only old, much out of Repair, and unfit to attend Divine Service therein, but inconveniently situated for the Parishioners; and, that their Chapel of Ease, known by the Name of *Spring-Hill* Chapel, is in a ruinous Condition, and unfit to be repaired, and that it was necessary to purchase, for the Use of the said Parish, a Lot of Ground, at, or near the Head of *Wicomoco* River, in the said Parish, and to erect and build a Chapel thereon; and also to purchase a Lot of Ground in the said Parish, near unto the Place where *Spring-Hill* Chapel now stands, and to erect a Chapel thereon; and have humbly prayed, that an Act may pass, That One Hundred Thousand Pounds of Tobacco, may be levied upon the Taxable Persons of the said Parish, by Two equal Assessments, for the Purpose of building the Chapel of Ease, at the Head of *Wicomoco* River, and the Quantity of Sixty Thousand Pounds of Tobacco, for the building the Chapel of Ease, near the Place where *Spring-Hill* Chapel now stands, by equal Assessments, in the Two Years subsequent to the Assessment of the said One Hundred Thousand Pounds of Tobacco. Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Vestrymen and Churchwardens, of *Stepney* Parish aforesaid, which lies in *Somerset* and *Worcester* Counties, aforesaid, for the Time being, or the major Part of them, be, and are hereby authorised, impowered, and required, to purchase, in Fee, in the Name of the Vestrymen and Churchwardens of the said Parish, for the Time being, Two Acres of Land, lying in *Somerset* County, in the Parish aforesaid, on the South Side of *Wicomoco* River, and above the Branch whereon the Mill of *William Venables* is built, and to treat and agree with such Person, or Persons, as they, or the major Part of them, shall think proper to employ, to build a Chapel of Ease thereon, for the Use of the Inhabitants of the said Parish; which said Land, when so purchased, and the said Chapel, when so built, shall be, and is hereby declared, to be constituted and deemed The Vestrymen and Churchwardens impowered to purchase 2 Acres of Land on *Wicomoco* River, and agree with proper Persons to build a Chapel of Ease thereon;

CHAP. IX.

deemed the Land and Chapel of Eaſe of the ſaid Pariſh, and the ſaid Chapel for ever, hereafter, ſhall be ſupported and repaired at the Charge of the ſaid Pariſh.

Alſo to purchaſe 2 Acres of Land, near *Spring-Hill*, and to build a Chapel of Eaſe thereon.

III. **And be it further Enacted,** *by and with the Advice and Conſent aforeſaid,* That the Veſtrymen and Churchwardens of *Stepney* Pariſh aforeſaid, for the Time being, or the major Part of them, be, and are hereby authoriſed, impowered, and required, to purchaſe, in Fee, in the Name of the Veſtry and Churchwardens of the ſaid Pariſh, for the Time being, Two Acres of Land, lying in *Somerſet* County, in the Pariſh aforeſaid, near *Spring-Hill*, and to treat and agree with ſuch Perſon or Perſons, as they, or the major Part of them, ſhall think proper to employ to build a Chapel of Eaſe thereon, for the Uſe of the Inhabitants of the ſaid Pariſh; which ſaid Land, when ſo purchaſed, and the ſaid Chapel, when ſo built, ſhall be, and is hereby declared, to be conſtituted and deemed the Land and Chapel of Eaſe of the ſaid Pariſh, and the ſaid Chapel for ever, hereafter, ſhall be ſupported, and repaired at the Expence of the ſaid Pariſh.

100,000 lb. of Tobacco to be aſſeſſed in 1768 and 1769, for building *Goddard's* Chapel; and 60,000 lb. Tobacco in 1770 & 1771, for building *Spring-Hill* Chapel; to be paid to the Veſtrymen and Churchwardens.

IV. **And be it further Enacted,** *by the Authority, Advice, and Conſent aforeſaid,* That for the building of the ſaid Chapel of Eaſe, on the South Side of *Wicomoco* River, the Juſtices of *Somerſet* and *Worceſter* County Courts, for the Time being, ſhall, and they are hereby authoriſed and impowered, to aſſeſs and levy on the Taxable Inhabitants of the ſaid Pariſh, the Quantity of One Hundred Thouſand Pounds of Tobacco, by Two equal Aſſeſſments, in the Years of our Lord Seventeen Hundred and Sixty-eight, and Seventeen Hundred and Sixty-nine, together with the Sheriff's Salary of Five *per Cent.* for collecting the ſame; and for the building of the ſaid Chapel of Eaſe, near *Spring-Hill*, the Quantity of Sixty Thouſand Pounds of Tobacco, by Two equal Aſſeſſments, in the Years Seventeen Hundred and Seventy, and Seventeen Hundred and Seventy-one, together with the Sheriffs Salary of Five *per Cent.* for collecting the ſame; which ſaid Aſſeſſments ſhall reſpectively be made, by the Juſtices aforeſaid, in Proportion to the taxable Inhabitants of the ſaid Pariſh of *Stepney*, reſiding in their ſeveral and reſpective Counties, and ſhall be collected by the Sheriffs of *Somerſet* and *Worceſter* Counties, from the ſeveral taxable Perſons of the ſaid Pariſh, who ſhall reſide within their Counties; and the ſaid Quantities of Tobacco, when ſo as aforeſaid collected, ſhall be paid, by ſuch Sheriffs, reſpectively, to ſuch Veſtry and Church-Wardens, aforeſaid, who are hereby authoriſed to receive and apply the ſame to the Uſes aforeſaid.

How the Tobacco may be diſcharged.

V. **Provided always, and be it further Enacted,** That it ſhall, and may be lawful, for the ſeveral and reſpective Inhabitants of the Pariſh aforeſaid, to pay and diſcharge the ſaid ſeveral Quantities of Tobacco, ſo to be levied and raiſed, for the Uſes aforeſaid, in Money, in the ſame Manner as they now are enabled to pay and diſcharge the Public, or County Levies; every Clauſe, Matter, or Thing herein, to the contrary, notwithſtanding.

CHAP. X.

An ACT for the Recovery of certain Amerciaments, and alſo upon Defaults on Executions.

Sheriffs, &c. being call'd upon by the Court, to bring in Defendants, before arreſted, and ſhall omit or fail ſo to do, the Juſtices may order

BE it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That in caſe any Sheriff, or Coroner, ſhall be called upon, by the Order of the Juſtices of the Provincial, or of any County Court, to bring before them, any Defendant, or Defendants, before arreſted, by ſuch Sheriff, or Coroner, according to the ſaid Sheriff's, or Coroner's Return of, or upon any Writ, being either

either meſne Proceſs, or of Execution, and ſhall fail, neglect, or omit, to bring into Court, ſuch Defendant, or Defendants, and therefore ſhall be amerced by the Juſtices aforeſaid, or have his Default entered, then, and in either ſuch Caſe, it ſhall and may be lawful for the Juſtices aforeſaid, in the Name of the Plaintiff or Plaintiffs, and to, and for his, her, or their Uſe, on Motion, to order and direct Judgment to be entered up, againſt ſuch Sheriff, or Coroner, for the Sum in which the ſaid Sheriff, or Coroner, ſhall be amerced, or for the Sum and Coſts recovered, againſt the Perſon, or Perſons, taken on Execution, which reſpective Judgments, ſhall have the Force and Effect, to all Intents and Purpoſes, of any Judgment, rendered on the Verdict of a Jury. CHAP. X. Judgment to be entered for the Plaintiff, againſt ſuch Sheriff, &c.

II. **Provided always**, That before the ſaid Judgments ſhall become abſolute, for the ſaid Sum, in which the aforeſaid Sheriff, or Coroner, ſhall be amerced, or for the Sum and Coſts recovered, againſt the Perſon or Perſons, taken on Execution, againſt the ſaid Sheriff, or Coroner, the Plaintiff, or Plaintiffs, his, her, or their Executors, or Adminiſtrators, ſhall make appear, to the Satisfaction of the Juſtices aforeſaid, a Demand by him, her, or them, or his, her, or their Attorney at Law, made of, or from the Sheriff, or Coroner, aforeſaid, of the Sum in which ſuch Sheriff, or Coroner, ſhall be amerced, or of the Sum and Coſts recovered againſt the Perſon, or Perſons, taken on Execution, as aforeſaid, and alſo the Refuſal or Neglect of the Sheriff, or Coroner, to pay the ſame reſpective Sums, according to ſuch Demand; and alſo, that the Plaintiff, or Plaintiffs, his, her, or their Executors, or Adminiſtrators, or his, her, or their Attorney at Law, in the Caſe of ſuch Amerciament, as aforeſaid, upon the return of any Writ, being meſne Proceſs, offered or tendered to the ſaid Sheriff, or Coroner, an Aſſignment of the Cauſe of Action, when the ſame Cauſe of Action ſhall ariſe on Contract, whereupon the original Writ iſſued. Proviſo.

III. **And be it Enacted**, *by the Authority aforeſaid*, That it ſhall, and may be lawful, for the Sheriff, or Coroner, who ſhall be amerced, as aforeſaid, and unto whom any ſuch Cauſe of Action, ariſing on Contract, ſhall be aſſigned, as aforeſaid, and who ſhall have paid, or ſatisfied the ſame, to the original Plaintiff, or Plaintiffs, his, her, or their Executors, or Adminiſtrators, or Attorney at Law, to bring Suit thereon, for the Recovery of the ſame, under, and by virtue of ſuch Aſſignment; and that the Defendant, or Defendants, his, her, or their Heirs, Executors, or Adminiſtrators, ſhall have the ſame full Advantage, and Benefit of Defence, on ſuch Suit, to all Intents and Purpoſes, as he, ſhe, or they might have, or be entitled unto, upon a Suit, proſecuted in the Name of the original Plaintiff, or Plaintiffs. Sheriff, &c. amerced, who may have ſatisfied the original Plaintiff, &c. may bring Suit, &c.

CHAP. XI.

An ACT for the Relief of *Joſeph Scott*, of *Worceſter* County. [*A Private Act.*]

CHAP. XII.

An ACT reviving and continuing an Act, entitled, *An Act to eſtabliſh a Market, at the Market-Houſe in* Cheſter-Town, *in* Kent *County*; *and for the Regulation of the ſaid Market.*

Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That an Act of Aſſembly of this Province, entitled, *An Act to eſtabliſh a Market, at the Market-Houſe in* Cheſter-Town, *in* Kent *County*; *and for the Regulation of the ſaid Market*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Seventeenth Day of *March*, One Thouſand Seven Hundred and The Act of 1762, *ch.* 32, continued 3 Years, &c.

CHAP. XII. and Sixty-two, be, and is hereby revived and continued in full Force, from and after the End of this preſent Seſſion of Aſſembly, for and during the Term of Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

CHAP. XIII.

An ACT to prohibit raiſing of Swine and Geeſe, in *George-Town*, in *Kent* County; and in *Snow-Hill* Town, in *Worceſter* County.

Preamble. WHEREAS it is repreſented to this General Aſſembly, That divers Perſons, living in *George-Town*, in *Kent* County, and in *Snow-Hill* Town, in *Worceſter* County, do raiſe and keep great Numbers of Swine and Geeſe, within the ſame Towns, to the great Prejudice of the Inhabitants thereof;

No Perſon to keep Swine or Geeſe, in *George-Town*, or *Snow-Hill* Town, in *Kent* and *Worceſter* Counties, unleſs within their Incloſures.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That no Perſon or Perſons, whatſoever, living, or that ſhall hereafter live, in either of the ſaid Towns, ſhall, after the End of this preſent Seſſion of Aſſembly, under any Pretence whatſoever, keep, or ſupport, within either of the ſaid Towns, any Swine, or Geeſe, belonging to themſelves, or to any other Perſon, whatſoever; unleſs ſuch Swine, or Geeſe, be kept within ſuch Perſon, or Perſon's Incloſure, ſo keeping, or ſupporting ſuch Swine, or Geeſe.

Swine or Geeſe ſuffered to go at large, may be ſhot, &c.

III. **And be it further Enacted**, That in caſe any Perſon, or Perſons, whatſoever, living, or that ſhall live, in either of the ſaid Towns, ſhall, after the End of this preſent Seſſion of Aſſembly, ſuffer any Swine, or Geeſe, belonging to themſelves, or under their Care, belonging to any other Perſon, go at large, within either of the ſaid Towns, it ſhall, and may be lawful, for any Perſon, to ſhoot, or otherwiſe deſtroy, ſuch Swine, or Geeſe, ſo found at large.

Perſons ſued, may plead the General Iſſue.

IV. **And be it likewiſe Enacted**, That if any Perſon ſhall be ſued, or impleaded, for ſhooting, or otherwiſe deſtroying, ſuch Swine, or Geeſe, as aforeſaid, the Defendant may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence.

CHAP. XIV.

An ACT for erecting a Court-Houſe, and Public-Priſon, for *Baltimore* County, in the Town of *Baltimore*; and for making Sale of the old Court-Houſe, and Priſon.

Preamble. WHEREAS many of the Inhabitants of *Baltimore* County, have petitioned this General Aſſembly, ſetting forth, That the preſent Court-Houſe, for the ſaid County, ſituate in *Joppa*, is conſiderably too ſmall for tranſacting therein the Public Buſineſs; that the ſame is greatly out of Repair, and the Offices thereof confined, and the whole Building ſlight, and inſecure, for keeping the Public Records of the ſaid County; and that the County Jail, from its original ill Conſtruction, has been a continual Expence to the County, and defective and inſufficient, to prevent frequent Eſcapes of Criminals, and other Perſons; and that from the ſmall Number of Houſes, in the ſaid Town of *Joppa*, the People who attend the Courts, cannot be accommodated, whereby early Adjournments, and late Meetings of the Courts, are unavoidable, and the Public Buſineſs greatly retarded; and praying, that a Law may paſs, for diſpoſing of the Ground, and Materials,

Materials, of the preſent Court-Houſe, and Priſon, of the ſaid County, and for the purchaſing Ground, and building a Court-Houſe, and Priſon, in the Town of *Baltimore*, in the County aforeſaid. And, as the Allegations in the ſaid Petition, appear to this General Aſſembly, to be true, it is prayed that it may be enacted;

Commiſſioners impowered to buy 1¼ Acres of Ground for building a new Court-Houſe, &c. in *Baltimore-Town*.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Honourable *John Beale Bordley*, Eſq; Meſſieurs *John Ridgely*, *John Moale*, *Robert Adair*, *Robert Alexander*, *William Smith*, and *Andrew Buchanan*, or the major Part of them, be, and are hereby appointed Commiſſioners, to execute and perform the ſeveral Truſts and Powers, repoſed in, and required of them, by this Act, and be, and are hereby authoriſed and impowered, to apportion, and lay off, ſo much of a Street, of the ſaid Town of *Baltimore*, called, and known by the Name of *Calvert* Street, at the Upper Part thereof, next *Jones*'s Falls, as they ſhall think proper, and to agree with the Owner, or Owners of the Land adjoining the Street, of the ſaid Town of *Baltimore*, called and known by the Name of *Calvert* Street, for the abſolute Purchaſe of any Part thereof, they, or the major Part of them, may judge proper, not exceeding in the whole, the Quantity of One Acre and an Half Acre; and in caſe the Owner or Owners of ſuch Land, ſhall refuſe to make Sale of ſo much of the ſaid Land, as the ſaid Commiſſioners, or the major Part of them, ſhall think neceſſary, for the Purpoſes herein after, by this Act, directed, at a reaſonable Price, or be under any Diſability of making thereof, then the ſaid Commiſſioners, or the major Part of them, ſhall be, and are, by virtue of this Act, authoriſed, impowered, and required, to iſſue their Warrant, to the Sheriff of the ſaid County, requiring and commanding him, to impanel, and return a Jury of the moſt ſubſtantial Freeholders (not leſs than Twelve) Inhabitants within the ſaid County, to be, and appear before the ſaid Commiſſioners, at the ſaid Town of *Baltimore*, upon a certain Day, to be by them limited and appointed; which Jury, upon their Oath, to be, by the ſaid Commiſſioners, or the major Part of them, to the ſaid Jurors adminiſtered, ſhall enquire who is, or are the Owner, or Owners of the ſaid Land, what is the Value thereof, and what Damages ſuch Owner or Owners will ſuſtain; and the Sum of Money the ſaid Jurors ſhall aſſeſs, to the Owner or Owners of ſuch Land, for ſuch Land and Damages, ſhall be paid by the ſaid Commiſſioners; and the Payment for the Land, as aforeſaid, ſhall inveſt the Juſtices of *Baltimore* County, and their Succeſſors, with an Eſtate in Fee-Simple, for the Uſe of the County aforeſaid, for ever: And the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed, and impowered, to cauſe the ſaid Part of the ſaid Street, and the ſaid Land adjoining, to be laid out by the Surveyor of the ſaid County, with good and ſufficient Boundaries, and a Certificate thereof to be returned, and recorded in the County Records; and to treat and agree with Undertakers, or Workmen, to build, and finiſh a Court-Houſe, and Public Priſon, with a good Yard, and other Conveniencies thereto, on ſuch Land, as aforeſaid.

In caſe the Owner, &c. refuſes ſelling ſaid Ground reaſonably, a Jury to be ſummon'd, &c. to fix its Value;

which is to be paid by the Commiſſioners.

who have Power to treat with Undertakers, &c. to build, &c.

Commiſſioners impowered to receive all Sums ſubſcribed for the above Uſe.

III. **And whereas**, For defraying Part of the Expence, and Charge of purchaſing the ſaid Land, and building the Court-Houſe, and Priſon thereon, ſundry Inhabitants of the ſaid County, have ſubſcribed conſiderable Sums of Money; **Be it Enacted**, That the ſaid Commiſſioners, or the major Part of them, ſhall, and they are hereby impowered, to receive, and collect all Monies, by the ſaid Perſons ſubſcribed, and ſuch Subſcribers are hereby directed, to pay their ſeveral Subſcriptions, to the ſaid Commiſſioners; and if any Perſon ſhall neglect, or refuſe, to pay ſuch his Subſcription Money, the ſaid Commiſſioners, or the major Part of them, may, and they are hereby authoriſed to recover and receive the ſame.

IV. And

CHAP. XIV.

Juſtices of *Baltimore* County Court enabled to levy 300,000 lb. Tobacco in the Years 1768 & 1769.

IV. **And be it further Enacted**, That the Juſtices of *Baltimore* County Court, ſhall, and they are hereby authoriſed, directed, and impowered, to aſſeſs, and levy, on the taxable Inhabitants of the ſaid County, at the Time of laying the Public Levy, a Quantity of Tobacco, not exceeding Three Hundred Thouſand Pounds of Tobacco, by Two equal Aſſeſſments, in the Years Seventeen Hundred and Sixty-eight, and Seventeen Hundred and Sixty-nine, together with the Sheriff's Salary, of Five *per Cent.* for Collection; which ſaid Aſſeſſments, ſo as aforeſaid to be made, and levied, ſhall be collected by the Sheriff of the ſaid County, from the ſeveral taxable Perſons, who ſhall reſide within the ſaid County, in the ſame Manner, as other Public and County Levies, are by Law collected; and the ſaid Tobacco, when ſo as aforeſaid collected, ſhall be paid, by ſuch Sheriff, to the ſaid Commiſſioners, or the major Part of them, or their Order, or Orders, who are hereby authoriſed and required, to receive, and apply the ſame, together with the Monies ariſing on the ſaid Subſcription, to the Uſes and Purpoſes following: *That is to ſay*, To pay, and diſcharge the Expence of the Purchaſe of the ſaid Land, ſo as aforeſaid to be allotted and choſen, and for building a Court-Houſe, and Priſon, for the ſaid County, on the ſaid Land, and other Charges incident thereto, as by this Act is before directed.

How the Tobacco may be diſcharged.

V. **Provided always, and be it Enacted**, That it ſhall, and may be lawful, for the ſeveral and reſpective taxable Inhabitants, of the ſaid County, to pay, and diſcharge the ſaid Quantity of Tobacco, ſo to be levied and raiſed, for the Uſes aforeſaid, in Money, in the ſame Manner, as they are now enabled to pay, and diſcharge, the Public, or County Levy; any Clauſe, Matter, or Thing, herein to the contrary, notwithſtanding.

Baltimore County Court to be held in the new Court Houſe, when finiſhed;

VI. **And be it further Enacted**, That after the finiſhing of the ſaid Court-Houſe, to be built, as aforeſaid, *Baltimore* County Court ſhall be held in ſuch new Court-Houſe; and ſuch new Court-Houſe, and Priſon, ſhall be uſed, taken, held, and deemed, to be the proper Court-Houſe, and Priſon, of *Baltimore* County.

'Til then the different Courts to be held in the Market-Houſe, &c.

VII. **And be it further Enacted**, That from henceforth, until the ſaid new Court-Houſe ſhall be finiſhed, the Court of Aſſize, *Niſi Prius*, Oyer and Terminer, and Jail-Delivery, for *Baltimore* County, and the County Court, and Elections, of the ſaid County, ſhall be held in the Market-Houſe, in the ſaid Town of *Baltimore*.

Court Records to be removed before the 3d of *Auguſt*, to *Baltimore-Town*, and taken Care of as the Juſtices ſhall direct.

VIII. **And be it further Enacted**, That the Clerk of *Baltimore* County Court, for the Time being, ſhall, at ſome convenient Time, before the Third Day of *Auguſt* next, remove, or cauſe to be removed, from the old Court-Houſe, of the ſaid County, all the Books, Rolls, Papers, and other Records, to the ſaid County Court belonging, to *Baltimore-Town* aforeſaid, and there ſafely depoſit, keep, and preſerve the ſame, in ſome convenient Apartment, in the ſaid Market-Houſe, or ſuch other proper, and convenient Houſe, in the ſaid Town, as ſhall be appointed by the Juſtices of the ſaid County Court; and the Juſtices of the ſaid Court ſhall direct, and cauſe a Liſt of all the ſaid Records, and Books, to be ſigned by the Clerk of the ſaid County, and entered upon Record, amongſt their Proceedings.

The Sheriff of *Baltimore* may remove the Priſoners from *Joppa* Jail, &c.

IX. **And be it further Enacted**, That the Sheriff of *Baltimore* County, for the Time being, may, at any Time, at his Pleaſure, remove all, or any of the Priſoners, from the ſaid old Jail, at *Joppa*, to any Jail he may think fit, in *Baltimore-Town* aforeſaid, and there, until the ſaid new Priſon ſhall be finiſhed, keep, and detain them, according to Law, and at his own Peril; but that the Removal of them, as aforeſaid, ſhall not be deemed any Eſcape in Law, whereon to charge the ſaid Sheriff.

X. And

X. **And be it further Enacted**, That the Justices of the said County Court, or the major Part of them, are hereby authorised, impowered, and required, after the said Records shall be removed, as aforesaid, to make Sale, by way of Public Vendue, of the said old Court-House and Prison, with the Land thereto belonging, to the best and highest Bidder; and to convey the same, in Fee-Simple, to the Purchaser, his Heirs, and Assigns, for ever; and the Money, or Tobacco, that shall arise by the Sale thereof, as well as any Surplus that may remain, of the said Subscription Money, and Tobacco, to be levied as aforesaid, shall be applied to the Use of the County, towards defraying the Charge thereof; any Law, Statute, Usage, or Custom, to the contrary, notwithstanding.

CHAP. XIV.

The Justices authorised to make Sale of the Court-House and Prison, to the highest Bidder.

Proceeds, and other Surplus, to be applied to the Use of the County.

CHAP. XV.

An ACT to prevent the Exportation of Flour, Staves, and Shingles, not merchantable, from the Town of *Baltimore*, in *Baltimore* County, and to regulate the Weight of Hay, and Measure of Grain, Salt, Flax-Seed, and Fire-Wood, within the said Town.

WHEREAS it is represented to this General Assembly, That Discoveries have lately been made of certain Deceits practised by Millers, and others, in the Manufacture of Flour, large Quantities whereof are brought to, and sold, in the said Town of *Baltimore*, and from thence exported; and that frequent Disputes, and false Weight, and short Measure, happen, as well in the Weight of Hay, Measure of Grain, Salt, and Flax-Seed, as in the cording and measuring of Wood; and Advantages are taken of the ignorant and unwary, by the deceitful Practices of Skippers, Masters of Vessels and Boats; the like whereof also happens in the selling of Staves and Shingles, as well concerning the Quantity, as Quality; and it being apprehended, that if a Person or Persons, were appointed, under proper Powers, Checks, and Restrictions, and the Buyers, and Sellers, Inhabitants in, and about the said Town, were obliged to employ him, or them, to cord all Wood, garble or cull, and count all Staves and Shingles, and to inspect or determine, and by gradated Brand-Marks, distinguish the Qualities of all Flour, by the said Inhabitants, or others, respectively to be bought in, and about the said Town; and to measure by proper Measures, settled and adjusted by the County-Standard, all Salt, Grain, and Flax-Seed, that should be brought by Land, or Water, to, and sold in the said Town, would be of great Service, not only in supporting and assisting the Commerce of the said Town of *Baltimore*, but also in thwarting, and discountenancing, dishonourable, unmanly, and deceitful Dispositions, always injurious to a Community: For the Encouragement therefore of the said Town, and others, well disposed to forward the Trade and Advancement thereof;

Preamble.

II. **Be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That the Commissioners of *Baltimore-Town*, or the major Part of them, for the Time being, shall assemble and meet, between the First and the Tenth Day of *July* next, and between the said First and the Tenth Day of *July*, yearly, and every Year, during the Continuance of this Act, and then nominate and appoint a Person of good Repute and Skill, in the Goodness and Quality of Flour, to be Inspector of Flour, within the said Town, for the Year ensuing; and also shall nominate and appoint, any Number of Persons, not exceeding Three, of good Repute and Skill, in culling and garbling of Staves and Shingles, to be Cullers, Garblers, and Counters, of all Staves and Shingles, brought to, and sold within the said Town, for the Year next ensuing, and also

The Commissioners of *Baltimore-Town* to meet between the 1st and 10th of *July* next, and every Year, to nominate an Inspector of Flour, and also Persons of Repute, to cull Staves and Shingles, and regulate the Weight of Hay, Measure of Grain, &c.

CHAP. XV.

ſhall nominate and appoint, any Number of Perſons, not exceeding Three, of good Repute and Skill, in meaſuring Grain, Salt, and Flax-Seed, to be Meaſurers of all Grain, Salt, and Flax-Seed, brought by Land or Water, to, and ſold in the ſaid Town, for the Year next enſuing; and alſo ſhall nominate and appoint, any Number of Perſons, not exceeding Five, of good Repute and Skill, to be Weighers of all Hay, and Wood-Corders of all Fire-Wood, brought to, and ſold within the ſaid Town.

Oath to be taken by every Commiſſioner before he ſhall nominate Officers.

III. **And be it further Enacted**, That every Commiſſioner of the ſaid Town, who ſhall vote for any of the ſaid Officers, ſhall take the following Oath, before he ſhall be entitled to vote for the Nomination and Appointment of all, or any of the Officers aforementioned; *to wit*, *I* A. B. *do ſwear, That I will faithfully, honeſtly, and impartially, nominate and appoint ſuch Perſon or Perſons, to be Inſpector of Flour, Meaſurers of Grain, Salt, and Flax-Seed, Cullers, or Garblers, and Counters of Staves, Heading, and Shingles, Weighers of Hay, and Wood-Corders, within the Town of* Baltimore, *as I think in my Judgment and Conſcience, is, or are fit, and capable, to execute the ſaid Offices, reſpectively.*

In caſe of Death, Refuſal, or Inability, the Commiſſioners to nominate others, &c.

IV. **And be it further Enacted**, That in Caſe of the Death of any, or either of the ſaid Officers, ſo nominated and appointed, or the Refuſal or Inability of them, or either of them, to act, the ſaid Commiſſioners, or the major Part of them, ſhall, as ſoon as conveniently may be, thereafter, meet together, and nominate and appoint one other ſuch Perſon, as aforeſaid, in the Stead and Place of any Perſon ſo dying, refuſing, or becoming incapable to act, for the Reſidue of the Year then to come; and if the ſaid Commiſſioners, ſhall neglect and omit, to nominate and appoint, all, or any of the ſaid reſpective Officers, then, and in ſuch Caſe, the Governor or Commander in Chief, of this Province, for the Time being, may, by Warrant, under his Hand, conſtitute and appoint, all, or any of the ſaid Officers, who ſhall have the like Power and Authority, as if they, or either of them, had been, by the ſaid Commiſſioners, regularly nominated and appointed.

All Flour for Exportation, after the 1st of *Sept.* to be merchantable, &c.

V. **And be it further Enacted**, That all Wheat-Flour, bolted, and brought to the ſaid Town for Exportation, from, and after the Firſt Day of *September* next, ſhall, by the Bolters thereof, be made merchantable, and of due Fineneſs, without any Mixture of coarſer, or other Flour, and well packed in good ſtrong well-ſeaſoned Caſks, with the Tare thereof marked thereon.

Perſons putting falſe Tare on any Caſk of Flour, more than 2 lb. to the Diſadvantage of the Purchaſer, to forfeit 10*s*.

VI. **And be it further Enacted**, That if any Perſon or Perſons, ſhall put a falſe or wrong Tare on any Caſk of Flour, more than Two Pounds Weight, to the Diſadvantage of the Purchaſer, ſuch Perſon or Perſons, ſhall forfeit and pay, for every ſuch Caſk, wrongfully or falſely tared, as aforeſaid, the Sum of Ten Shillings Current Money; and the Inſpector, upon Suſpicion, or upon the Requeſt of the Buyer, ſhall uncaſe, or unpack, any ſuch Caſk of Flour, in order to try the Tare thereof; and, if the ſaid Caſk or Caſks, be found to be tared more than Two Pounds leſs than the true Weight, the Bolter thereof ſhall pay the Charge and Expence of un-packing, or un-caſing, and re-packing, or re-caſing, over and above the Sum of Ten Shillings Current Money, for each Caſk, as aforeſaid; but if the Weight of the ſame, is not more than Two Pounds leſs than the Tare thereon marked, then the Officer, or Purchaſer, at whoſe Requeſt ſuch Trial be made, ſhall pay the Coſts of un-packing, or un-caſing, and re-packing, or re-caſing.

All Flour brought for Exportation, to be inſpected and branded,

VII. **And be it further Enacted**, That all and every Caſk of Flour, brought to the ſaid Town, to be from thence laden and ſhipped for Exportation, ſhall be ſubmitted to the View and Examination of the Inſpector aforeſaid, ſo as aforeſaid nominated and appointed, who ſhall ſearch, and try the ſame, by

boring

boring the Head, and piercing it through, with an Inſtrument to be contrived for that Purpoſe, in order to prove whether it be honeſtly, and well packed, as alſo to enable him to judge of its Goodneſs, and ſhall afterwards plug up the Hole; and, if the ſaid Officer ſhall judge the ſame to be merchantable, according to the Directions of this preſent Act, he ſhall brand every ſuch Caſk of Flour, on the Quarter, with the Word *Baltimore*, with a Public Brand-Mark, to be provided for that Purpoſe; and ſhall alſo brand and mark the Degree of Fineneſs, which he ſhall, on Inſpection, determine the ſaid Flour to be of, which Degree ſhall be diſtinguiſhed as follows, *to wit*, Superfine, Fine, Middling, Ship-ſtuff; for which Trouble, he, the ſaid Inſpector, ſhall have, and receive, of the Owner of ſuch Flour, the Sum of One Penny, and an Half of a Penny, for each Caſk, and no more.

and the Quality diſtinguiſhed.

Inſpector's Fee 1½*d.* per Caſk.

VIII. **And be it further Enacted**, That the ſaid Inſpector of Flour, ſhall not brand any Flour, which ſhall prove, on Examination thereof, to be unmerchantable, according to the true Intent and Meaning of this Act, but, ſhall cauſe the ſame to be marked on the Bilge, with a broad Arrow, or ſecure it for a further Examination, if required; which Examination the Owner ſhall procure to be made, within the Space of Forty-eight Hours, and the ſaid Inſpector ſhall, and may demand, and receive, from the Owner or Owners thereof, the ſame Rates and Prices, as if the ſame had been branded.

Unmerchantable Flour ſhall not be branded; but mark'd with a broad Arrow on the Bilge, *&c.*

IX. **And be it further Enacted**, That when any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, through the Judgment, or want of Skill of the ſaid Inſpector, in rejecting the ſaid Flour, as unmerchantable, it ſhall and may be lawful for him, her, or them, to apply to a Juſtice of the Peace, who ſhall, at the Charge of the Complainant, iſſue his Warrant, directed to Three indifferent Perſons, well ſkilled in the ſaid Manufacture of Flour, to review and examine the ſame; which ſaid Three Perſons, ſo as aforeſaid appointed, ſhall take the ſame Oath, or Affirmation if a Quaker, as by this Act is herein after directed to be taken by the ſaid Inſpector of Flour, and ſhall carefully view and examine the ſame; and if they, or any Two of them, ſhall paſs, and declare the ſame to be merchantable, then, and in ſuch Caſe, the ſaid Officer ſhall raze out the Broad Arrow, and put ſuch Brand on the ſaid Flour, as they, or any Two of them ſhall adjudge and determine, and repay to the ſaid Complainant, the ſaid Coſt; but, if on ſuch Review, the Judgment of the ſaid Officer, is confirmed, then, and in ſuch Caſe, the ſaid Owner of ſuch Flour, ſhall pay the Coſt of ſuch Review.

Perſons aggrieved may have Flour reviewed by 3 indifferent Perſons being Judges, *&c.*

X. **And be it further Enacted**, That the ſaid Three Perſons, and each of them, for their Trouble, ſhall, and may demand and receive, the Sum of Two Pence Current Money, for each Barrel by them reviewed.

Reviewers Fee 2*d.* each per Barrel.

XI. **And be it further Enacted**, That it ſhall not be lawful, for any Perſon or Perſons, whatſoever, to export, ſhip, or lade, on board of any Ship or Veſſel, for Exportation out of this Province, any of the Caſks or Barrels of the ſaid Flour, ſo marked with a broad Arrow, as aforeſaid; or to export, ſhip, or lade on board of any Ship, or Veſſel, for Exportation, any of the Caſks or Barrels of the ſaid Flour, not examined and branded, as aforeſaid, from out of *Patapſco* River, on Pain of Forfeiture of Fifty Shillings Current Money, for each, and every Barrel, ſo exported, or laden, on board of any Ship, or other Veſſel, for Exportation.

Flour marked with the broad Arrow, not to be exported; nor any out of *Patapſco* River not branded, on Penalty of 50*ſ.* per Barrel.

XII. **And be it further Enacted**, That the ſaid Inſpector of Flour, ſhall, on his Appointment, and before his executing the ſaid Office, make Oath, or Affirmation, if a Quaker, before a Juſtice of the Peace, *That without Fear, Favour, Affection, Malice, Partiality, or Reſpect of Perſons, he will diligently, and carefully view, examine, and inſpect, all Flour, brought to the ſaid Town of* Baltimore,

Inſpector's Oath.

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Baltimore, and which he ſhall be called upon to view, examine, and inſpect, to the beſt of his Skill and Knowledge, and that no Flour ſhall be paſſed, or branded by him, without his viewing, and examining the ſame; and that he will not brand, or cauſe to be branded, any Caſk, or Caſks of Flour, that does not appear, to the beſt of his Skill and Knowledge, to be, in all Reſpects, ſufficiently clean, ſweet, and merchantable, and that he will paſs, and brand all ſuch Caſk, or Caſks of Flour, as ſhall appear to him, ſufficiently clean, ſweet, and merchantable, according to the Degree thereof, to the beſt of his Skill and Knowledge, and according to the Directions of this Act; and that he will not wittingly, or willingly charge, aſk, take, receive, exact, or demand, any other, or larger Fees, or Rates, for doing his Duty in his Office, as Inſpector of Flour, than is mentioned and directed by this Act.

Inſpectors not to purchaſe any Flour, but for Family Uſe, on Penalty.

XIII. **And be it further Enacted**, That the ſaid Inſpector of Flour, is hereby ſtrictly charged and required, not to purchaſe, directly, or indirectly, any Flour, by him condemned, as aforeſaid, or any Flour, whatſoever, other than for his own Family Uſe, under the Penalty of Forty Shillings Current Money, for each Barrel.

Perſons altering the Inſpectors Mark, or Brand, &c. to pay 40*ſ.* for each Barrel.

XIV. **And be it further Enacted**, That if any Perſon or Perſons, ſhall alter the Mark ſtamped on any Barrel of Flour, by the ſaid Inſpector, or ſhall mark or brand any Barrel of Flour, which hath not been inſpected, with any Mark or Brand, ſimilar to, or in Imitation of the Inſpector's ſaid Mark, or Brand, or after the ſaid Inſpector ſhall have paſſed any Barrel of Flour, as merchantable, ſhall pack into the Caſk, which contains the ſame, any other Flour, or after any Barrel of Flour ſhall be branded with a broad Arrow, ſhall unpack, and repack the ſame into other Caſks or Packages, for Exportation out of this Province, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Forty Shillings Current Money, for every Barrel.

Grain, Salt, or Flax-Seed, to be meaſured by the Officer appointed, &c.

and to be paid 1*ſ.* for each 100 Buſhels, and *pro rato*.

XV. **And**, as the ſubjecting of all Grain, Salt, and Flax-Seed, to the Meaſurement of an Officer, acting under Oath, will prevent the Diſputes and Impoſitions complained of; **Be it further Enacted**, That from and after the Firſt Day of *September* next, all Grain of any Kind, Salt, or Flax-Seed, which ſhall be brought by Land or Water, to, and offered for Sale in the ſaid Town, ſhall be meaſured by the Officer, ſo as aforeſaid to be appointed, with proper Meaſures, to be tried and ſtamped by the County Standard, and provided for that Purpoſe, if he ſhall be thereunto required, at the Choice and Election of either the Purchaſer or Seller of ſuch Grain, Salt, or Flax-Seed, for which Trouble, he the ſaid Officer, ſhall, and may demand, have, and receive, of the Purchaſer or Seller of the ſaid Grain, Salt, or Flax-Seed, who ſhall require the ſame, the Sum of One Shilling Current Money, for every One Hundred Buſhels of Grain, Salt, or Flax-Seed, and no more, and ſo *pro rato*.

Oath to be taken by Meaſurers of Grain, and Weighers of Hay.

XVI. **And be it further Enacted**, That the ſaid Meaſures of Grain, Salt, and Flax-Seed, and Hay Weighers, and each of them, ſo as aforeſaid to be appointed, ſhall, and they, and each of them, are hereby required, on his, or their Appointment, and before his, or their executing the ſaid Office, to make Oath, or Affirmation, if a Quaker, before a Juſtice of the Peace, *That they, and each of them, when required, will well and truly, according to the beſt of his or their Skill and Knowledge, meaſure all Grain, Salt, and Flax-Seed, and weigh all Hay, without any Fear, Favour, Affection, Malice, or Partiality, whatever, to the Buyer or Seller; and that they, and each of them, will not willingly or wittingly charge, aſk, take, receive, exact or demand, any other, or larger Fees or Rates, for doing his, or their Duty, in his or their Office, than is mentioned and directed by this Act.*

XVII. And

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XVII. **And**, whereas the preventing Frauds and Abuſes, in culling and counting Staves, Heading, and Shingles, large Quantities of which are exported, will tend to advance the Credit of the ſame at foreign Markets, and promote the Trade and Commerce of the ſaid Town of *Baltimore*; **Be it therefore Enacted**, That from and after the Firſt Day of *September* next, all Staves, Heading, and Shingles, brought to, and offered for Sale, within the ſaid North-Weſt Branch of *Patapſco*, ſhall be ſubmitted to the Examination of the Officer, ſo as aforeſaid to be appointed for that Purpoſe; and, if the ſaid Officer ſhall find the ſame ſound, and fit for Exportation, he ſhall count, cull, and garble the ſame, in a juſt and impartial Manner, between the Buyer and Seller, for which Trouble, he the ſaid Officer, ſhall receive and have, as follows; *to wit*, For every cuſtomary Thouſand of Pipe Staves, Two Shillings Current Money; for every cuſtomary Thouſand of Hogſhead Staves, or Hogſhead Heading, One Shilling and Six-pence Current Money; and for every cuſtomary Thouſand of Barrel Staves, One Shilling Current Money; and for every Thouſand of Shingles, Six-pence Current Money; the One Half thereof to be paid by the Buyer, the other Half by the Seller.

From the 1st of *September*, all Staves, Heading, and Shingles, to be examined, counted, &c.

Officers Fees per Thouſand and by whom paid.

XVIII. **Provided always, and be it further Enacted**, That where, at any Time hereafter, any Diſputes ſhall ariſe, between the Officer and the Owner, or Poſſeſſor of any the Staves, Heading, or Shingles, herein before mentioned, concerning the ſame, upon Application made, by the Owner or Poſſeſſor thereof, to any one Magiſtrate of *Baltimore* County, he ſhall iſſue his Warrant to Three indifferent judicious Perſons, of Skill and Integrity, directing them to view and examine the ſaid Staves, Heading, or Shingles, which ſaid Three Perſons, ſo as aforeſaid appointed, ſhall take the ſame Oath, or Affirmation, if a Quaker, as by this Act is herein after directed to be taken, by the ſaid Inſpector, or Culler, Garbler, and Counter of Staves, Heading, and Shingles, and ſhall carefully view, inſpect, examine, cull, garble, and count the ſame; and if they, or any Two of them, on ſuch Review, ſhall find, paſs, and declare the ſame to be ſound, merchantable, and fit for Exportation, then the ſame Staves, Heading, or Shingles, ſhall be paſſed and allowed, and the Officer ſhall pay the Coſt of the ſaid Review, but, if on ſuch Review, the Judgment of the ſaid Officer is confirmed, then the ſaid Owner, or Poſſeſſor of ſuch Staves, Heading, or Shingles, ſhall pay the Coſt of ſuch Review; for which Review, each of the ſaid Reviewers, ſhall have and receive the Sum of Eight-pence Current Money, for every Thouſand of the ſaid Staves, Heading, or Shingles.

In caſe of Diſpute, 3 Perſons to be choſen, and Lumber to be viewed and examined by them, on Oath, and their Determination to be final.

Their Fee, by whom paid.

XIX. **And be it further Enacted**, That it ſhall not be lawful for any Perſon or Perſons, whatſoever, to export the ſaid Staves, Heading, or Shingles, ſo adjudged and determined unſound, or not fit for Exportation, out of this Province; or any Staves, Heading, or Shingles, not counted, culled, and garbled, as aforeſaid, from any Landing on the North-Side of *Patapſco* River, or out of the North-Weſt Branch of the ſaid River of *Patapſco*, on Pain of Forfeiture of Ten Shillings Current Money, for each, and every Thouſand, ſo ſhipped and exported.

Lumber determined unſound, not to be exported, nor from any Landing on the North-Side of *Patapſco*, uninſpected, under a Penalty.

XX. **Provided always, and be it Enacted**, That nothing herein contained, ſhall debar any Cooper, or Carpenter, from purchaſing a ſufficient Quantity of Staves, Heading, or Shingles, to make up into Caſk, or be uſed in Building, in the Way of his or their Buſineſs; ſo always, that he ſhall not buy any of the Cullings, which he may have before adjudged to be unmerchantable.

Coopers and Carpenters, not debarr'd from buying Lumber, under a Reſtriction.

XXI. **And be it further Enacted**, That the ſaid Inſpector of Staves and Lumber, ſhall, and he is hereby required, on his Appointment, and before his executing the ſaid Office, to make Oath, or Affirmation, if a Quaker, before

Oath to be taken by an Inſpector of Staves, &c.

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fore a Juſtice of the Peace, *That he will, without Fear, Affection, Malice, Partiality, or Reſpect of Perſons, diligently and carefully view, examine, inſpect, cull, garble, and count all Staves, Heading, and Shingles, brought to, and offered for Sale, within the North-Weſt Branch of* Patapſco *River, and which he ſhall be called upon to view, examine, inſpect, cull, garble, and count, to the beſt of his Skill and Knowledge, and according to the Directions of this Act; and that he will not wittingly or willingly charge, aſk, take, receive, exact, or demand any other, or larger Fees or Rates, for doing his Duty in his ſaid Office of Inſpector or Culler, Garbler and Counter of Staves, Heading, and Shingles, than is mentioned and directed by this Act,*

After the 1st Day of *Auguſt*, all Fire-Wood to be corded; for which 4d. per Cord to be paid.

XXII. **And**, whereas it is repreſented, That Advantages are taken by the Sellers of Wood, in ſhort meaſuring and cording the ſame, to the great Prejudice of the Inhabitants of the ſaid Town; **Be it therefore further Enacted**, That from and after the Firſt Day of *Auguſt* next, all Fire-Wood brought to, and offered for Sale, in the ſaid Town, whether by Land or Water, ſhall be ſet up, corded and meaſured by ſome Wood-Corder, for that Purpoſe as aforeſaid appointed; and that each and every Cord of Wood ſhall be Eight Feet in Length, Four Feet in Breadth, Four Feet in Height, and well ſtowed and packed; and that the ſaid Wood-Corder, for his Trouble in cording and packing the ſame, ſhall have and receive the Sum of Four-pence Current Money for each, and every Cord; the One Half thereof to be paid by the Seller, the other Half by the Perſon purchaſing the ſame.

Purchaſers of Wood, neglecting to have it corded, to forfeit 5*s.* per Cord.

XXIII. **And be it further Enacted**, That if any Perſon or Perſons, ſhall purchaſe and buy any Fire-Wood brought to the ſaid Town, and ſhall neglect or refuſe to have the ſame corded and meaſured by ſome Wood-Corder, appointed as aforeſaid, he, ſhe, or they, ſhall forfeit and pay the Sum of Five Shillings Current Money, for each and every Cord ſo purchaſed and bought, and which he, ſhe, or they, ſhall refuſe or neglect to have corded, as aforeſaid, or ſhall refuſe or omit to requeſt one or other of the ſaid Corders, to cord, purſuant to this Act.

Corders of Wood, to make Oath before they execute their Office.

XXIV. **And be it further Enacted**, That the ſaid Wood-Corders, and each of them, ſo as aforeſaid to be appointed, ſhall, and they, and each of them, are hereby required, on his or their Appointment, and before his or their executing the ſaid Office, to make Oath, or Affirmation, if a Quaker, before a Juſtice of the Peace, *That he will, when required, in a juſt and impartial Manner, well and truly ſet up, pack, cord, and meaſure all Fire-Wood, brought for Sale to the Town of* Baltimore, *according to the beſt of his Skill and Knowledge, and the Directions of this Act; and that he will not wittingly, or willingly, charge, aſk, take, receive, exact, or demand any other or larger Fees or Rates, for doing his Duty in his ſaid Office of Wood-Corder, than is mentioned and directed by this Act*; a Minute of the Choice of which ſaid ſeveral Officers of Inſpector of Flour, Meaſurers of Grain, Salt, and Flax-Seed, Cullers or Garblers, and Counters of Staves, Heading, and Shingles, Weighers of Hay, and Wood-Corders, and their having taken the ſaid Oaths, ſhall be entered among the Proceedings of the ſaid Commiſſioners, from Time to Time, as often as taken.

A Minute to be entered by the Commiſſioners, of the Choice of Officers.

From and after the 1st Day of *Sept.* all Hay to be weighed, and the Officer appointed, to receive 2*s.* per Ton, and *pro rato*.

XXV. **And be it further Enacted**, That from and after the Firſt Day of *September* next, all Hay, of what Kind ſoever, which ſhall be brought by Land or Water to, and offered for Sale in the ſaid Town, ſhall be weighed by the Officer, ſo as aforeſaid appointed, with proper Scales and Weights, or Engines to be provided for that Purpoſe, if he ſhall be thereto required, at the Choice and Election of either the Purchaſer or Seller of ſuch Hay; for which Trouble, he the ſaid Hay-Weigher, ſhall have and receive, of the Purchaſer or Seller of the ſaid Hay, who ſhall require the ſame to be weighed, the Sum of Two Shillings Current Money for every Ton, or Twenty Groſs Hundred Weight of Hay, and no more, and ſo *pro rato*.

XXVI. **And**

XXVI. **And be it further Enacted**, That the ſaid Inſpector of Flour, Meaſurers of Grain, Salt, and Flax-Seed, Cullers or Garblers, and Counters of Staves, Heading, and Shingles, and Hay-Weighers, ſhall inſpect all Flour, meaſure all Grain, Salt, and Flax-Seed, cull and count all Staves, Heading, and Shingles, and weigh all Hay, as they and each of them ſhall be reaſonably requeſted, from Time to Time, under the Penalty of Ten Shillings Current Money, for every Neglect or Refuſal.

Officers appointed, on failure of Duty, to forfeit 10*l*. for every Neglect.

XXVII. **And be it further Enacted**, That the ſaid Wood-Corders, ſhall cord all ſuch Wood, as they ſhall be requeſted, from Time to Time, to cord, under the Penalty of Two Shillings and Six-pence Current Money, for every Neglect or Refuſal, to cord ſuch Wood as aforeſaid.

Wood-Corders to forfeit 2*s*6 for every Neglect of Duty.

XXVIII. **And be it further Enacted**, That all, and every the Penalties and Forfeitures, in, and by this Act ſet and appointed, ſhall be recovered before a ſingle Magiſtrate, as in caſe of ſmall Debts, in the Name of the Commiſſioners of the ſaid Town, and be by them laid out and expended, in mending the Public Wharfs and Streets in the ſaid Town.

Penalties how recovered and applied.

XXIX. **And be it further Enacted**, That the ſaid Commiſſioners, or the major Part of them, ſhall be, and are hereby impowered at any Time, to diſplace or remove, any of the ſaid Officers, from their reſpective Offices, if the ſaid Commiſſioners, or the major Part of them, ſhall ſee Cauſe, and ſhall, and may nominate and appoint, another fit Perſon to ſuch Office, during the Reſidue of the Year, who ſhall have Power to execute the ſame Office, according to the Directions of this Act, on his taking the ſaid Oath of Office.

Commiſſioners may diſplace any of the Officers, and appoint others.

XXX. **Provided always, and be it Enacted**, That before any of the ſaid Officers ſhall enter upon the Execution of their reſpective Offices, they ſhall take the ſeveral Oaths appointed by Law to be taken to the Government, and make, repeat, and ſubſcribe the Oath of Abjuration, and the Teſt, before ſome Juſtice of the Peace.

Officers to take the Oaths to the Government, &c.

XXXI. This Act to continue Three Years, and unto the End of the next Seſſion of Aſſembly, which ſhall happen after the End of the ſaid Three Years.

Continuance.

CHAP. XVI.

An ACT for the Adjournment and Continuance of *Frederick* County Court.

Preamble.

WHEREAS ſeveral of the Attornies practiſing the Law, and ſome other Perſons having Buſineſs in the ſaid Court, are Members of the Aſſembly, and obliged to attend their Duty therein;

Frederick County Court adjourned.

Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That all Cauſes, Pleas, Proceſs, and Proceedings, either Civil or Criminal, now depending, or returnable to, the ſaid County Court of *Frederick*, to be held the Third Tueſday of *June*, in this preſent Year, ſhall be, and are by virtue of this Act, adjourned and continued from the ſaid Third Tueſday of *June*, until the Third Tueſday of *Auguſt* next, and ſhall be in the ſame State and Condition, as they would be on the ſaid Third Tueſday of *June*; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. XVII.

An ACT confirming to *Spedding Bromwell*, of *Talbot* County, certain Lots of Land therein mentioned. [*A Private Act.*]

CHAP.

CHAP. XVIII.

An ACT for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of *Anne Catharine Green*, of the City of *Annapolis*, Printer.

Allowance in Tobacco to *A. C. Green*,

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That there ſhall be allowed to *Anne Catharine Green*, of the City of *Annapolis*, Printer, the ſeveral and reſpective Sums of Tobacco, in the ſeveral Counties within this Province, following, *to wit*,

in the ſeveral Counties,

In *Baltimore* County, Five Thouſand One Hundred and Sixty.
Anne-Arundel County, Four Thouſand Three Hundred and Eighty-ſix.
Charles County, Four Thouſand and Forty-two.
Prince-George's County, Three Thouſand Nine Hundred and Fifty-ſix.
Frederick County, Three Thouſand Five Hundred and Twenty-ſix.
Queen-Anne's County, Three Thouſand Four Hundred and Eighty-three.
St. Mary's County, Three Thouſand Three Hundred and Fifty-four.
Dorcheſter County, Three Thouſand One Hundred and Eighty-two.
Kent County, Three Thouſand One Hundred Thirty-nine.
Talbot County, Three Thouſand and Fifty-three.
Somerſet County, Three Thouſand and Ten.
Worceſter County, Two Thouſand Eight Hundred and Eighty-one.
Cæcil County, Two Thouſand Eight Hundred and Thirty-eight. And;
Calvert County, Nineteen Hundred and Ninety.

Which ſaid reſpective Sums of Tobacco, the Juſtices of the ſeveral County Courts, within this Province, are hereby impowered and required to allow and aſſeſs, in their reſpective County Levies, annually, during the Continuance of this Act, together with the Sheriff's Salary of Five *per Cent.* for collecting the ſame: And the ſeveral Sums of Tobacco, ſo to be allowed and aſſeſſed, as aforeſaid, ſhall be collected by the Sheriff of each reſpective County, and yearly paid by them, reſpectively, free from any Abatement or Deduction, to the ſaid *Anne Catharine Green*, or her Order, for Printing, Stitching, covering with Marble, or Blue Paper, and delivering a Copy of the Public Laws, made in this preſent Seſſion of Aſſembly, by the Twentieth Day of *September*, in the Year One Thouſand Seven Hundred and Sixty-eight, and the Votes and Proceedings of the Lower Houſe of Aſſembly, of this preſent Seſſion, by the Firſt Day of *October*, in the Year Seventeen Hundred and Sixty-eight; and alſo a Copy of the Laws of any future Seſſion, within Three Months, and of the Votes and Proceedings of the Lower Houſe of Aſſembly, within Four Months, reſpectively, after the End of every ſuch Seſſion, during the Continuance of this Act, to the Governor, and each Member of the Upper and Lower Houſes of Aſſembly, and One Book of the Votes and Proceedings, to the Clerk of each Houſe, and Three Books of the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral and reſpective County Courts, for the Peruſal of the Inhabitants of the ſeveral and reſpective Counties; and a Copy of the Public Laws, during the Continuance of this Act, to every Provincial and County Magiſtrate, and a Copy of each Law, bound up in Leather, to each Houſe of Aſſembly, the High Court of Appeals, the Provincial Court, and to each County Court within this Province, unleſs ſhe ſhall be hindered by the Death of her Hands employed in the Preſs, or by Sickneſs, or the unavoidable Accident of her Preſs breaking.

Her Duty for ſuch Allowance.

Her Allowance in caſe of no Seſſion.

II. And be it likewiſe Enacted, That if it ſhould happen, that in any Year, during the Continuance of this Act, there ſhould not be any Seſſion of Aſſembly, held within this Province, whereby the ſaid *Anne Catharine Green* may

may be enabled to print Laws, and deliver them within ſuch Year, that then, and in ſuch Caſe, there ſhall be allowed to the ſaid *Anne Catharine Green*, the ſeveral and reſpective Sums of Tobacco, in the ſeveral Counties within this Province following, *to wit*,

In *Baltimore* County, Four Thouſand One Hundred and Seventy.
Anne-Arundel County, Three Thouſand Four Hundred and Forty.
Charles County, Three Thouſand One Hundred and Eighty.
Prince-George's County, Three Thouſand and Ninety-ſix.
Frederick County, Two Thouſand Seven Hundred and Ninety-five.
Queen-Anne's County, Two Thouſand Seven Hundred and Six.
St. Mary's County, Two Thouſand Four Hundred and Ninety-four.
Dorcheſter County, Two Thouſand Four Hundred and Eight.
Kent County, Two Thouſand Three Hundred and Sixty-five.
Talbot County, Two Thouſand One Hundred and Fifty.
Somerſet County, Two Thouſand and Twenty.
Worceſter County, Nineteen Hundred and Thirty-five.
Cæcil County, Eighteen Hundred and Ninety. And,
Calvert County, Fourteen Hundred and Sixty.

Which ſaid reſpective Sums of Tobacco, laſt afore-mentioned, together with the Sheriff's Salary of Five *per Cent.* for collecting the ſame, the ſaid Juſtices of the ſeveral County Courts, within this Province, are hereby impowered and required to allow, and aſſeſs in their reſpective County Levy, and ſhall be by the reſpective Sheriffs collected, and yearly paid to the ſaid *Anne Catharine Green*, in Manner and Form aforeſaid, for her better Support and Encouragement in ſerving this Province, and reſiding within the ſame.

III. **Provided always, and be it hereby Enacted,** That it ſhall and may be lawful for the Taxable Inhabitants of this Province, upon whom the above Sums of Tobacco ſhall be aſſeſſed, to diſcharge and pay the ſame in Gold and Silver, at the ſame Rates, as by the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majeſty's Cuſtoms, and for the Limitation of Officers Fees*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, the Fourth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-three, Gold and Silver is directed to be received in all Payments made in virtue of that Act. May be paid in Money.

IV. **Provided always,** That the ſaid *Anne Catharine Green* ſhall actually reſide at *Annapolis*, during the Continuance of this Act, and comply with the Terms thereof; and that upon the Death of the ſaid *Anne Catharine Green*, or her Removal from *Annapolis*, or ceaſing to comply with the Terms of this Act, on her Part, the Payment of the Sums of Money, herein before directed to be paid to her, ſhall ceaſe; any Thing contained in this Act to the contrary notwithſtanding. Proviſo in caſe of her Death or Removal.

V. **And be it likewiſe Enacted,** That the Copy of the Public Laws, made this preſent Seſſion of Aſſembly, as well as thoſe made at any future Seſſion, during the Continuance of this Act, ſhall have Marginal Notes made, and printed thereto, as alſo the Date of the Year wherein ſuch Laws were reſpectively made, inſerted in each Page, and a Liſt of ſuch Laws made at the End of each Seſſion, with the Page wherein they are printed; all which the ſaid *Anne Catharine Green* is hereby required and obliged to do, as well as all other Services herein before mentioned, for the yearly Salary aforeſaid. The Laws to have Marginal Notes, &c.

VI. **Provided always,** That it ſhall and may be lawful for the Sheriffs of the ſeveral and reſpective Counties, reſpectively, and they are hereby required, not to pay to the ſaid *Anne Catharine Green*, the ſaid reſpective Sums of Money, herein before mentioned, or any Part thereof, to be aſſeſſed and levied Proviſo, in caſe of her Failure of Duty.

CHAP. XVIII.

for her Uſe, for her Salary for this preſent, or any future Year, during the Continuance of this Act, unleſs it ſhall be made appear to them, by a Certificate or Receipt, from the Sheriff of *Anne-Arundel* County, for the Time being, that the Public Laws, and the Votes and Proceedings of this Seſſion, and every future Seſſion or Convention, during the Continuance of this Act, were printed and delivered to him, within the reſpective Times herein before directed; any Thing herein before contained to the contrary, in any wiſe, notwithſtanding.

Laws and Votes to be forwarded as Public Letters.

VII. **And be it further Enacted**, That the ſeveral and reſpective Sheriffs, within this Province, ſhall, and they are hereby directed and required, to receive and forward the ſaid Laws, with the Votes and Proceedings aforeſaid, to the Clerks of the ſeveral County Courts, and Members of each Houſe of Aſſembly, as Public Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty; to be recovered and applied in like Manner.

320lb. Tobacco allowed for each Inſpection, for ſupplying Books and Notes.

VIII. **And be it further Enacted**, That from and after the Firſt Day of *November* next, *Anne Catharine Green*, of the City of *Annapolis*, Printer, ſhall be allowed by the ſeveral and reſpective County Courts, at the laying their County Levy, the Sum of Three Hundred and Twenty Pounds of Tobacco, *per Annum*, for each Inſpection, reſpectively, for printing and delivering a ſufficient Number of Books, Notes, and Manifeſts, for the Inſpectors of each Inſpection, within their Counties, reſpectively, to be levied and paid as aforeſaid.

Expiration of a former Act, by the Death of *J. Green*.

IX. **And**, whereas the Act of Aſſembly, entitled, *An Act for the ſpeedy and effectual Publication of the Laws of this Province, and for the Encouragement of* Jonas Green, *of the City of* Annapolis, *Printer*, made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, on the Firſt Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſix, expired upon the Death of the ſaid *Jonas Green*, which happened ſome Time in the Month of *April*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſeven.

The Duties required, by that Act having been performed by *A. C. Green*.

X. **And**, whereas the ſaid *Anne Catharine Green*, ſince the Deceaſe of the ſaid *Jonas Green*, hath not only finiſhed and compleated the Acts of Aſſembly of the ſaid Seſſion, and the Votes and Proceedings of the Lower Houſe, but hath kept and maintained a Number of Hands, with proper Materials, for printing; and in all Things, done and performed the Duty of Printer to this Province, and no Levy having been made in her Favour, at any of the laſt *November* County Courts; **Be it therefore Enacted**, That the Committee appointed for paying Money out of the Loan-Office, do, and ſhall, and they are hereby authoriſed and required, to pay the ſaid *Anne Catharine Green*, or her Order, the Sum of Nine Hundred and Forty-eight Dollars, and One Half of a Dollar, out of the Bills of Credit now remaining of the laſt Emiſſion, in the ſaid Office, in full for her Salary and Service done for this Province, for the Year Seventeen Hundred and Sixty-ſeven aforeſaid.

Allowance to be paid her out of the Loan-Office.

Duration.

XI. This Act to continue until the Twenty-fifth Day of *December*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty-nine.

CHAP. XIX.

A Supplementary ACT to the Act, entitled, *An Act to eſtabliſh a Road from* Hunting-Creek, *in* Dorcheſter, *to* Dover, *in* Talbot *County*.

Preamble.

WHEREAS it is repreſented to this General Aſſembly, That the Tobacco directed to be levied on the Inhabitants of *Dorcheſter* County, by an Act, entitled, *An Act to eſtabliſh a Road from* Hunting-Creek,

Creek, *in* Dorcheſter, *to* Dover, *in* Talbot *County*, is inſufficient for the Purpoſe in the ſaid Act mentioned. CHAP. XIX.

II. Be it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That it ſhall and may be lawful for the Juſtices of *Dorcheſter* County, and they are hereby required, at their *November* Court next, after the End of this Seſſion of Aſſembly, to aſſeſs and levy on the Taxable Inhabitants of the ſaid County, a further Sum, not exceeding the Sum of Three Thouſand Five Hundred Pounds of Tobacco, to be paid and collected in the ſame Manner that the County Levies are paid and collected, and to be by the ſaid Juſtices, applied towards defraying the Expence that hath already accrued, or ſhall, or may hereafter accrue, in clearing and making the Road aforeſaid, agreeable to the Act aforeſaid.

3500 lb. of Tobacco more, to be levied on the Taxable Inhabitants of *Dorcheſter* County, for defraying the Expence of clearing the Road.

CHAP. XX.

A Supplementary ACT to the Act *to enable the Viſitors of* Kent *County School, for the Time being, to leaſe out Part of the Land belonging to the ſaid School.*

WHEREAS the Viſitors of *Kent* County School, have, by their Petition to this General Aſſembly, ſet forth, That upon Examination of the Plot of the ſaid School-Land, they find it impracticable to lay out the ſaid Land to any Advantage to the School, agreeable to the expreſs Directions of the ſaid Act; and have prayed for a general Power to leaſe out the ſaid Land, and alſo the Ten Acres heretofore laid out by the Viſitors of the ſaid School, for the Uſe of the Maſter of the ſaid School, in ſuch Manner as the Viſitors of the ſaid School, or the major Part of them, ſhall judge moſt to the Advantage of the ſaid School, ſtill reſerving Ten Acres thereof for the Uſe of the Maſter, to be alſo laid out in ſuch Manner as they ſhall judge proper, ſo as the ſaid Ten Acres ſhall include the School-Houſe, and the Spring, called, *The Free-School Spring*. Preamble.

II. Be it therefore Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the ſaid Viſitors, or the major Part of them, ſhall, and may, and are hereby impowered, to lay out Ten Acres of the ſaid School-Land, as they ſhall think moſt convenient, for the Uſe of the Maſter; but in ſuch Manner as to include the School-Houſe, and the Spring, called, *The Free-School Spring*, and are alſo hereby impowered to demiſe and leaſe out any other Part of the ſaid Free-School Land, not included in the ſaid Ten Acres, to be laid out for the Uſe of the Maſter, under yearly Rent, for any Term not exceeding Twenty-one Years, on the beſt Terms they can procure, and in ſuch Parcels or Quantities, as will beſt accommodate the People offering to take the ſaid Land; any Thing in the ſaid Act, to which this is a Supplement, or in any other Act of Aſſembly, notwithſtanding; and that the Monies ariſing on ſuch Leaſes, for the Rents of the ſaid Lands, ſhall be applied by the Viſitors of the ſame School, or the major Part of them, as to them ſhall ſeem meet, for the Benefit of the ſaid School.

The Viſitors to lay out 10 Acres of the School-Land, for the Uſe of the Maſter, to include the School-Houſe and Spring; and to leaſe out the remainder, for any Term not exceeding 21 Years, &c.

CHAP. XXI.

An ACT for turning Part of a Street, called *Eaſt-Street*, in the City of *Annapolis*, and for confirming the Title of *Thomas Jenings*, Eſq; of the ſaid City, to a Lot of Ground therein. [*A Private Act.*]

CHAP.

CHAP. XXII.

An ACT to give *Thomas Harriſon* further Time to effect the Removal of a Nuiſance in *Baltimore-Town*, in *Baltimore* County.

Preamble.

WHEREAS *Thomas Harriſon*, by his humble Petition to this General Aſſembly, has ſet forth, That in Purſuance of the Act, entitled, *An Act to remove a Nuiſance in* Baltimore-Town, *in* Baltimore *County, and for other Purpoſes therein mentioned*, and within the Time preſcribed by the ſaid Act, he, the ſaid *Thomas Harriſon*, did elect to remove his Part of the ſaid Nuiſance, at his own proper Charge and Expence, and did execute ſuch Bond, in ſuch Penalty, and with ſuch Condition, as by the ſaid Act was directed; but, that the Removal of the ſaid Nuiſance, is ſo difficult a Labour, that he cannot effect the ſame, within the Time limited by the ſaid Act; and therefore the ſaid *Thomas Harriſon*, by his ſaid Petition, prayed further Time for doing of the ſame; and, as a further Time appears to this General Aſſembly to be reaſonable and neceſſary;

Two Years further Time allowed him, than by a former Act.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the ſaid *Thomas Harriſon*, for effecting the Removal of his Part of the ſaid Nuiſance, have the further Time of Two Years, from the Expiration of the Time limited by the Act aforeſaid.

A former Bond given, ſtill to ſtand as a Security.

III. **And be it further Enacted**, That the Bond aforeſaid, paſſed and executed as aforeſaid, by the ſaid *Thomas Harriſon*, ſhall have no other Effect, or Operation, than to ſtand as a Security, for effecting the Removal of his Part of the ſaid Nuiſance, within the Time given by this Act.

CHAP. XXIII.

An ACT to impower *Mary Philpot*, Widow and Adminiſtratrix of *Brian Philpot*, late of *Baltimore-Town*, in *Baltimore* County, Merchant, deceaſed, to ſell the real Eſtate of her ſaid Huſband, for the Payment of the Debts of the ſaid *Brian Philpot*. [*A Private Act.*]

CHAP. XXIV.

An ACT for the building of a Pariſh Church, and Chapel of Eaſe, in *Saint John*'s Pariſh, in *Queen-Anne*'s County.

Preamble.

WHEREAS it has been repreſented to this General Aſſembly, by ſundry the Inhabitants of *St. John*'s Pariſh, in *Queen-Anne*'s County, That the Pariſh Church is greatly impaired, and that there is a Neceſſity for building in the ſaid Pariſh, not only a Pariſh Church, but alſo a Chapel of Eaſe, and that there is now in the Hands of the Veſtry of the ſaid Pariſh, about the Sum of Twelve Hundred Pounds Current Money, to be applied for that Purpoſe: And, whereas there are various Opinions amongſt the Pariſhioners of the ſaid Pariſh, about the Places whereon it may be proper to place the ſaid Church, and Chapel of Eaſe, it is therefore thought fit, by this General Aſſembly, for ſettling all Differences among the Pariſhioners aforeſaid, to enact;

The Veſtrymen impowered to build on 2 Acres of Land, given by *T. Wright*,

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That the Veſtrymen of the ſaid Pariſh, or the major Part of them, ſhall be, and they are hereby impowered to erect and build, on Two Acres of Land, laid out and given by Mr. *Thomas Wright*, for the Uſe of the ſaid Pariſh, at a Place called and known

known by the Name of the *Nine-Bridges*, in the ſaid County, the Pariſh Church of the ſaid Pariſh, in ſuch Form and Manner, as by the ſaid Veſtry ſhall be adjudged fit and convenient for the ſaid Pariſh; and alſo to erect and build a Chapel of Eaſe at *Tuckahoe* Bridge, and, as near as may be, to the Place where the preſent Church now ſtands, of ſuch Dimenſions and Form, and in ſuch Manner, as the ſaid Veſtry, or the major Part of them, ſhall judge proper. CHAP. XXIV. for the ſaid Church. The Chapel to be built at *Tuckahoe* Bridge.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That all the Tobacco, or Money, now in the Hands of the ſaid Veſtry, which hath ariſen, during the Vacancy of the ſaid Pariſh, ſhall be applied by them, or the major Part of them, towards building and erecting the ſaid Church, and Chapel of Eaſe; and if the ſaid Sum, now in the Hands of the ſaid Veſtry, ſhall not be ſufficient for the Purpoſes aforeſaid, the Juſtices of *Queen-Anne*'s County Court, ſhall, and they are hereby required, upon Application made to them, by the Veſtry aforeſaid, or the major Part of them, to levy upon the Taxable Inhabitants of the Pariſh aforeſaid, ſuch Quantity of Tobacco, as may be neceſſary for building, finiſhing, and compleating the Buildings aforeſaid, not exceeding the Quantity of One Hundred Thouſand Pounds of Tobacco, together with the Sheriff's Salary of Five Pounds of Tobacco *per Centum*, for collecting the ſame, by Three equal Aſſeſſments, *That is to ſay*, One Third Part thereof at their next *November* Court, One Third Part thereof at their *November* Court, which ſhall be in the Year Seventeen Hundred and Sixty-nine, and One Third Part thereof at their *November* Court, which ſhall be in the Year Seventeen Hundred and Seventy; which ſaid Quantity of One Hundred Thouſand Pounds of Tobacco, ſhall, and may be collected by the Sheriff of the ſaid County, together with his Commiſſion, as aforeſaid, and may be paid and diſcharged by the Pariſhioners, aforeſaid, in the ſame Manner that other County and Pariſh Taxes are collected, paid, and diſcharged; and ſhall, by the ſaid Sheriff, be accounted for, and paid to the Veſtry and Churchwardens of *St. John*'s Pariſh, aforeſaid, for the Time being, who are hereby authoriſed and required, to apply the ſame towards building, finiſhing, and compleating, the ſaid Church, and Chapel of Eaſe, in the Pariſh, and at the Places aforeſaid. All the Tobacco or Money in the Hands of the Veſtry, to be applied towards building the Church, and Chapel of Eaſe; and if not ſufficient, a further Sum to be levied, not exceeding 100,000 lb. of Tobacco, by 3 equal Aſſeſſments.

IV. **And**, whereas the Veſtry of the ſaid Pariſh, in virtue of an Act made at a Seſſion of Aſſembly, begun and held at the City of *Annapolis*, on the Twenty-ſixth Day of *May*, Seventeen Hundred and Four, entitled, *An Act for the confirming Titles of Land, given to the Uſe of the Churches, and ſeveral Chapels, within this Province, impowering the Commiſſioners of the reſpective Counties, and Veſtries of the reſpective Pariſhes, to take up certain Parcels of Land, for the Uſe of the ſame*, did condemn Two Acres of Land, at a Place called *Chicken's-Bridge*, for erecting a Pariſh Church thereon; **Be it therefore Enacted**, *by the Authority aforeſaid*, That the ſaid Veſtry, ſhall be, and they are hereby impowered and directed, to make Sale of the ſaid Two Acres of Land, to the higheſt Bidder, and to apply the Money, ariſing upon ſuch Sale, to the Purpoſes aforeſaid. Two Acres of Land formerly condemned, for erecting a PariſhChurch, to be ſold; and the Money applied to the Purpoſes aforeſaid.

CHAP. XXV.

An ACT for the Relief of the Rev. *John M'Pherſon* of *Charles* County. [*A Private Act.*]

CHAP. XXVI.

An ACT for the Relief of certain languiſhing Priſoners in the ſeveral Jails therein mentioned.

WHEREAS *Clement Spalding*, *Charles Holt Flower*, *Thomas Cook*, *Ignatius Edwards*, *John Higdon*, and *Robert Huſton*, of *St. Mary's* County; *Thomas Freeman*, *Richard Young*, *John Ruffe*, and *David Wilkinſon*, Preamble, with the Names of the Priſoners re-

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lieved by this Act.

Wilkinſon, of *Calvert* County; *Peter Roby*, *Preſly Cabiell*, *Mark Latimer*, *George Lovely*, *John Tallmage*, *Robert Wilſon*, *Catharine M'Donal*, *George Waple*, *John Wade*, *Grace Pilkington*, *William Hudſon*, *John Lammond*, *Joſeph Nalley*, *John Luckett*, *Eliſha Harben*, *Cornelius Maddox*, *Thomas Nalley*, and *John Gilmore*, of *Charles* County; *Joſeph M'Cubbin*, *John Barry*, *Thomas Todd*, and *Thomas Town*, of *Anne-Arundel* County; *Joſeph White*, and *Benjamin Kidwell*, of *Prince-George's* County; *John Bain*, *Francis Harris*, *William Conhold*, *Thomas Dey*, *William Andrews*, *George Grehon*, *William Jones*, *John Clay*, *James Oliver*, and *Richard Treadwell*, of *Baltimore* County; *William Banks Walls*, *John Metcalf*, *John Row*, *Joſias Talburt*, *John Alexander Brown*, *Chriſtian Shock*, *John Weaver*, *William Drown*, *Alexander Crawford*, *Richard Bealle*, *Jacob Sharrer*, *Robert Martin*, *John Roſs Mellan*, *John Waters*, *Frederick Clabough*, *Thomas Witten*, *George Henback*, and *Thomas Davis*, of *Frederick* County; *Samuel Owens*, *William Ford*, *John Kennerly*, *Thomas Phillips*, and *Arthur Marſtall*, of *Somerſet* County; *Stephen Biſſell*, *Mitchell King*, *Thomas Butler*, *William Handcock*, *John Benſon*, *George Grear*, *Daniel Handcock*, *John Permwell*, *Ezekiel Claywell*, *Joſhua Wheeler*, *David M'Cluer*, *Solomon Smallwood*, *Jonathan Dyer*, *John Baker*, *Phillip Gutherie*, *Chriſtopher Godlove Schoglamer*, and *John Cornwell*, of *Worceſter* County; *Richard Blackburn Jackſon*, *Thomas Daviſs*, *Robert Porter*, *David Covenover*, and *Griffith Williams*, of *Cæcil* County; *Nicholas Bowdel*, *Hezekiah M'Cotter*, and *Robert Parkinſon*, of *Dorcheſter* County; *George Harrington*, *William Dockery*, *Joſeph Nevill*, *William Horn*, *Thomas Farrell*, and *Joſeph Harris*, of *Queen-Anne's* County; *William Greenwood*, *Benjamin Steed*, *Robert Phillips*, *John Briſcoe*, and *Patrick Drugan*, of *Kent* County; *Benjamin Buckler*, *John Dart*, *Alexander Anderſon*, and *Edward Power*, of *St. Mary's* County; and *John Long*, of *Baltimore* County; by their Petitions to this preſent General Aſſembly, have ſet forth, That they have reſpectively continued Priſoners for Debt, in the Cuſtody of the Sheriffs of the reſpective Counties aforeſaid, for a conſiderable Time paſt, and ſtill continue in the like deplorable Circumſtances, not being able to redeem their Bodies, with all the Eſtate or Intereſt they have in the World, which they would readily ſurrender up, and part with, to their ſeveral and reſpective Creditors, if they would accept of the ſame, and grant the ſaid Petitioners their Liberty, which ſeems ſo unlikely for them to obtain, that (unleſs relieved by a particular Act to be paſſed in their Favour, which, by their ſaid Petitions, they have humbly prayed) they muſt inevitably continue Priſoners for Life; and, as the Allegations of the ſaid Petitioners, appear to this General Aſſembly, to be true, and that their lying in Jail can be of no Advantage to their Creditors, it is humbly prayed that the ſaid Petitioners may be relieved according to their Prayers, and that it may be enacted;

Priſoners to be diſcharged on delivering up their Effects, on Oath.

II. **And be it Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That in caſe the ſaid Priſoners ſhall deliver up, and ſurrender, or cauſe to be delivered up, and ſurrendered, to the Sheriffs of the reſpective Counties aforeſaid, in the Preſence of Two Juſtices of the Peace, of the Counties aforeſaid, whom the ſaid Sheriffs are hereby required to ſummon, at the Requeſt of the ſaid Priſoners, at ſome convenient Time, after the End of this Seſſion of Aſſembly, all their Real and Perſonal Eſtate, either in Poſſeſſion, Reverſion, Remainder, or in Truſt, or in, or unto which they have any Claim or Intereſt whatſoever, and likewiſe convey, aſſign, transfer, and make over unto the Sheriffs, reſpectively, for the Uſe of the ſaid Creditors, all ſuch their Eſtate, Intereſt, or Claim as aforeſaid, after ſuch Manner, as by the ſaid Sheriffs, and by the major Part of ſuch Creditors, or ſuch of them as ſhall think fit to direct therein, or their Counſel learned in the Law, ſhall reaſonably deviſe or require, at the Coſts and Charges of the Perſons who ſhall claim Benefit thereof, ſo that the ſaid Priſoners be not burthened with any Warrantees thereby, other than againſt themſelves,

themſelves, or thoſe claiming by, from, or under them, and that the ſaid Priſoners, at the Time of ſuch their Surrender, and transferring their Eſtate as aforeſaid, ſhall take their ſolemn Oaths (or Affirmation if Quakers) before the ſaid Two Juſtices aforeſaid, to the Effect following, *viz.* "*I* A. B. *do* "*affirm, or ſolemnly ſwear, That the Goods, Debts, and Effects, which I have* "*delivered, aſſigned, and made over to the Sheriff of* ——— *County, in* "*Truſt, for the Uſe of my Creditors, is the whole Eſtate, both Real and Perſonal,* "*of my own, in Poſſeſſion, or that I have any Title to in the World, and that I* "*have not any Eſtate, Goods, or Effects, of any Kind whatſoever, left, either in* "*Poſſeſſion, Reverſion, or Remainder, (the neceſſary Wearing-Apparel of myſelf,* "*Wife, and Children, and Working-Tools, excepted) and that I have not directly* "*or indirectly, ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted, all, or* "*any Part of my Eſtate, thereby to defraud my Creditors, or to ſecure the ſame,* "*to receive or expect any Profit or Advantage thereof.* So help me GOD:" It ſhall and may be lawful for the Sheriffs of the Counties aforeſaid, to diſcharge the ſaid Priſoners, and ſuffer them to go at large.

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The Oath.

III. **And be it further Enacted**, That if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned, on any Proceſs ſued out on any Judgment, or Decree obtained againſt any of them, for any Debt, Damages, or Coſts, contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court out of which ſuch Proceſs iſſued, ſhall and may diſcharge ſuch Priſoner, on Motion. And, if the ſaid Priſoners, or any of them, ſhall be arreſted or impriſoned, on any Proceſs, for the Recovery of any Debt, Damages, or Coſts contracted, owing or growing due before the End of this Seſſion of Aſſembly, the Court or Juſtice before whom ſuch Proceſs ſhall be returned, ſhall and may diſcharge the Party arreſted, out of Cuſtody, on his or her common Appearance, being entered, without any ſpecial Bail. Provided, That the Diſcharge of the ſaid Priſoners, or any of them, ſhall not acquit any other Perſon from ſuch Debt, Damage, or Coſt, or any Part thereof; but that all ſuch Perſons ſhall be anſwerable for the ſame, in ſuch Manner as they were, before the paſſing this Act.

To be diſcharged from future Arreſts on Appearance, &c.

IV. **Provided always, and be it Enacted**, That notwithſtanding the Diſcharge of the ſaid Priſoners, or any of them, all and every Debt, or Debts, due and owing from him, her, or them, and all and every Judgment had, or Decree obtained, againſt him, her, or them, ſhall ſtand, and be good and effectual in Law, to all Intents and Purpoſes, againſt the Lands, Tenements, and Hereditaments, Goods, and Chattels, of him, her, or them, and which he, ſhe, or they, or any other Perſon, in Truſt for the Uſe of him, her, or them, had at the Time of the Diſcharge of the ſaid Priſoners, or any of them, or which he, ſhe, or they, at any Time hereafter, ſhall, or may be any Way ſeized or poſſeſſed of, or intereſted in, to his, her, or their own Uſe, or in his, her, or their own proper Right, either in Law or Equity, (except the Wearing-Apparel, Bedding, and Working-Tools, of him, her, or them, not exceeding the Sum of Ten Pounds Current Money) and it ſhall and may be lawful for any of their Creditors, their Executors, Adminiſtrators, or Aſſigns, to take out new Execution, or Executions, without any *Scire facias* previous thereto, againſt the Lands, Tenements, or other Hereditaments, Goods, and Chattels, of the ſaid Priſoners, or any of them (except as before excepted) for the Satisfaction of his, her, or their Debts, in ſuch Sort, Manner, and Form, as he, ſhe, or they, might have done, if the ſaid Priſoners, or any of them, had not been taken in Execution, or diſcharged, by virtue of this Act.

Debts to ſtand good in Caſe, &c.

V. **And be it further Enacted**, *by the Authority aforeſaid*, That if any Action of Eſcape be brought againſt any Sheriff, or any Suit or Action againſt any Juſtice, or Juſtices, for their performing their Duty in purſuance of this Act, he or they may plead the General Iſſue, and give this Act, and the ſpecial

Actions of Eſcape.

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cial Matter in Evidence; and, if the Plaintiff be non-ſuit, or diſcontinue his Action, or Verdict paſs againſt ſuch Plaintiff, or Judgment upon Demurrer, the Defendant ſhall have and recover double Coſts.

Proviſo, as to Eſcape.

VI. **Provided alſo,** That nothing in this Act ſhall extend, or be conſtrued to extend, to bar any Creditor, or Creditors, of the before-mentioned Priſoners, from having and maintaining any Action of Eſcape againſt any Sheriff, who hath permitted any Eſcape before the making this Act.

In caſe of Perjury.

VII. **Provided nevertheleſs,** That in caſe any of the ſaid Priſoners, ſhall, at any Time after making ſuch Oath, or Affirmation, as aforeſaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach, or Non-compliance with the Tenor of ſuch Oath, or Affirmation, as aforeſaid, that then the ſaid Priſoner, ſhall, upon ſuch Conviction as aforeſaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and ſhall, from thenceforth, be liable to be proſecuted for any Debt or Demands, whatſoever, in the ſame Manner as if this Act had never been made; any Thing to the contrary, notwithſtanding.

Sheriffs Fees to be firſt paid.

VIII. **Provided alſo,** That the reſpective Sheriffs, of the Counties aforeſaid, ſhall be firſt paid and ſatisfied for their Impriſonment Fees, before any Creditor, or Creditors, ſhall have or receive any Share or Part of the Eſtates of the ſaid Priſoners, reſpectively, or of the Produce thereof.

Notice to be given of the Sale of the Priſoners Eſtates, &c.

IX. **And be it further Enacted,** That after Public Notice given, by Advertiſements ſet up at the Court-Houſe Door of the County, Thirty Days at the leaſt, of the Sale of any the ſaid Priſoners Lands, and Five Days at the leaſt, of the Sale of any of the ſaid Priſoners other Eſtate, the ſaid Sheriffs, to whom any of the ſaid Eſtates, Real or Perſonal, ſhall be ſurrendered, and delivered up, in purſuance of this Act, ſhall ſet up, and expoſe ſuch Eſtates to Sale, by way of Public Vendue, in the Preſence of One Juſtice of the Peace; and the Produce ariſing by ſuch Sale, ſhall be, by the ſaid Sheriffs, in Manner following, paid and ſatisfied, *That is to ſay*, after Satisfaction of the aforeſaid Impriſonment Fees, that the Eſtate and Intereſt of the aforeſaid Priſoners, reſpectively, upon which their Judgment Creditors, or on any claiming, or that ſhall claim under them, by Aſſignment, or otherwiſe, have, or ſhall have any Lien, or the Produce thereof, ſhall be, in the firſt Place, after Satisfaction of the Sheriffs, as aforeſaid, applied to the Diſcharge of the ſaid Creditors, according to the Order and Priority of their Judgments, and the Lien ariſing therefrom; and that the Reſidue of the Eſtate and Intereſt of the ſaid Priſoners, reſpectively, or the Produce thereof, ſhall be diſtributed among all their Creditors, that ſhall apply therefor, within Thirty Days after the aforeſaid Sale, in equal Proportion to their Demands.

Bonds, &c. belonging to the Priſoners to be aſſigned to the Sheriff.

X. **And be it further Enacted,** That all the Accounts, Bonds, Notes, and other Demands, which any of the ſaid Priſoners, have againſt any Perſon or Perſons whatſoever, ſhall be, by the ſaid Priſoner or Priſoners, aſſigned to the Sheriff, in whoſe Cuſtody ſuch Priſoner or Priſoners ſhall be, at the Time of their Diſcharge; and that ſuch Sheriff, or Sheriffs, ſhall, and may maintain an Action, or Actions, on ſuch Demands, as Aſſignee of ſuch Priſoner or Priſoners, in his own Name. *Provided always*, That ſuch Creditor or Creditors, require and demand ſuch Sheriff to ſue, and give to ſuch Sheriff a Bond to indemnify him againſt any Charge that may accrue to him, by means of any ſuch Suit; and, in caſe of Recovery, that then the Sheriff make Diſtribution of what ſhall be recovered, to the Perſon or Perſons, giving him ſuch Security as aforeſaid.

Priſoners, if ſingle, to be ſold for Five Years.

XI. **And be it further Enacted,** *by the Authority aforeſaid*, That if any of the Perſons intended to be relieved by this Act, are, and ſhall be of ſufficient Ability of Body, to labour, ſuch Perſon, or Perſons, not having a Wife or Family,

Family, shall be, and are hereby obliged to serve for a Time, not exceeding Five Years, to any Person or Persons, who are, or shall be inclined to purchase the Time of Servitude of such Debtor or Debtors; and that the respective Sheriffs, in whose Custody the aforesaid Debtors, or any of them, are, be, and are hereby authorised and obliged, to summon Two Justices of the Peace, in the respective Counties, at the Request of the said Prisoners, as soon as conveniently may be, after the End of this Session of Assembly, and after giving Five Days Notice at the Court-Houses of the respective Counties, of the intended Sale of such Debtor, or Debtors, expose to Sale, in the Presence of the said Justices, such Debtor, or Debtors, and the Time of his or their Servitude, to the highest Bidder; and the Money arising from such Sale, shall be as Effects of such Debtor, or Debtors, in the Hands of the respective Sheriffs, subject as aforesaid, to a Distribution in Manner aforesaid; and the Sale and Service of such Debtor, or Debtors as aforesaid, is hereby directed to be taken, as a full and sufficient Acquittal and Discharge, against all Debts due from such Debtor or Debtors, before such Sale: Provided, that in case it shall appear to the Satisfaction of the said Justices, that any of the said Debtors have offered, since their Confinement, to make Satisfaction to their Creditors, by Servitude, and that their Creditors have refused to accept the same, that the Time such Debtors have been confined in Prison, shall be deemed and taken as Part of the aforesaid Five Years, and that they shall be obliged to serve only for such Time as will compleat Five Years from the Day of such Offer of Servitude: And, that in case any such single Persons, as aforesaid, have been confined in Prison, for Five Years, or any longer Time, that the said Persons, so confined, shall be discharged upon the same Terms, and in the same Manner, that Persons having Families, are by this Act directed to be discharged.

CHAP. XXVII.

An ACT for licensing Ordinary-Keepers, Hawkers, Pedlers, and Petty Chapmen.

Hawkers, Pedlers, and Petty Chapmen, after the 1st of *Dec.* to take out Licences, which must be renewed annually;

and to pay 4*l.* Current Money, and 4*s.* to the Clerk.

BE it Enacted, *by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That all, and every Hawker, Pedler, or Petty Chapman, carrying Goods for Sale, from Place to Place, after the First Day of *December* next, shall, before they trade, barter, or sell, any such Goods, take out Licence from some County Court within this Province, which shall be renewed yearly, and every Year: And, every County Court within this Province, for the Time being, is hereby directed and obliged, upon Application of any such Hawker, Pedler, or Petty Chapman, that doth not appear to such Court, to be of ill Fame, to grant Licence, in the Words following: *viz. Licence is hereby granted by County Court, unto* A. B. *to travel and trade as a Hawker, Pedler, and Petty Chapman, within the Province of* Maryland, *for the Space and Term of One Year, to commence from the Date hereof, he behaving himself well:* Which Licence shall be attested by the Clerk of such Court, under his Hand, and the Seal of the said Court: For which Licence, or Renewal thereof, such Pedler, Hawker, or Petty Chapman, shall pay the Sum of Four Pounds Current Money, to the Sheriff of that County, and also the Sum of Four Shillings Current Money, to the Clerk of such Court, for his Fee, for making out, or renewing such Licence, and making out, and transmitting the Lists hereafter mentioned.

In case of Failure, and found travelling with

II. And be it likewise Enacted, That in case any Hawker, Pedler, or Petty Chapman, shall, after the Time aforesaid, be found travelling with, or exposing, or offering Goods for Sale, within this Province, without first ap-

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Goods for sale, to forfeit 20*l.*

plying for, and obtaining a Licence for that Purpose, according to the Intent and Directions of this Act, such Hawker, Pedler, or Petty Chapman, shall forfeit and pay the Sum of Twenty Pounds Current Money.

Any Person, but particularly Sheriffs, *&c.* impowered to examine Persons dealing as a Petty Chapman, and require them to produce a Licence, and in case of Refusal, to carry them before a Magistrate, *&c.*

III. **And be it likewise Enacted**, That any Person, but more particularly the High-Sheriffs, Deputy-Sheriffs, and Constables, within this Province, shall and may, and they, and every of them, are hereby directed and impowered, to examine any Person who they shall find hawking, peddling, or dealing, as a Petty Chapman, and require him, or her, to produce his, or her Licence; and in case of Refusal, or Neglect of such Pedler, Hawker, or Petty Chapman, to produce the same, to carry such Pedler, Hawker, or Petty Chapman, before any Justice of the Peace; and such Justice is hereby impowered and directed, to bind over such Hawker, Pedler, or Petty Chapman, to the next County Court, there to be dealt with according to Law, unless he or she shall then produce such Licence. And, if such Licence shall be then produced, having been obstinately refused before, such Justice shall award Judgment against such Hawker, Pedler, or Petty Chapman, to pay the Person, or Persons, so bringing him, or her, before such Justice, the Sum of Sixteen Shillings Current Money, as a Satisfaction for his, her, or their Trouble, before such Justice shall discharge such Hawker, Pedler, or Petty Chapman, so brought before him.

Proviso.

IV. **Provided always**, That Persons travelling with Linen, of the Growth and Manufacture of this Province, and selling, or bartering the same, or any kind of Provision, or Hemp, Flax, Thread, or Yarn, of the Growth or Manufacture of this, or any other Place, shall not, in respect of such Linen, Provision, Hemp, Flax, Thread, or Yarn, only, be deemed or held as Hawkers, Pedlers, or Petty Chapmen, within this Act; any Thing herein to the contrary notwithstanding.

The Justices to grant Licences at *August* Court, to Persons of Repute, to keep Ordinary; such Persons paying 4*l.* annually;

V. **And be it further Enacted**, That the Justices of each County, in Court sitting, be, and are hereby impowered and authorised, at their next *August* Court, to grant Licences to such Person, or Persons, as they shall think fit, being Persons of good Repute, to be Ordinary-Keepers, for keeping of Ordinaries, in such, and so many Places, within their several and respective Counties, for the Ease and Convenience of the Inhabitants, Travellers, and Strangers, as to them respectively shall seem meet; for every of which Licences, there shall be paid the Sum of Four Pounds Current Money, for every Year such Person, or Persons, shall keep Ordinary, as aforesaid.

And to be renewed at every *August* Court, under Penalties, *&c.*

VI. **And be it further Enacted**, That during the Continuance of this Act, all Ordinary Licences shall be renewed at every *August* Court, on Pain that any Person, then omitting, or neglecting to renew his Licence, and continuing to sell Liquor, as an Ordinary-Keeper, shall be liable to all the Penalties mentioned in this Act, against Persons keeping Ordinary, or selling Liquors, without Licence: And it shall also be lawful for the Justices, to refuse granting such Person Licence, for that Year; and, if they shall think fit to grant the same at any Court thereafter, the said Ordinary-Keeper shall pay the full annual Charge for such Licence.

Proviso.

Provided that any Person, not having before had a Licence to keep Ordinary, may, at any Court, other than *August* Court, have Licence granted, if the Justices see fit, to continue no longer than the *August* Court following, when it shall determine, and may be renewed; for taking which Licence, the Ordinary-Keeper shall pay only in Proportion to the Time between his taking such Licence, and the *August* Court aforesaid.

The Sheriffs to receive all Sums paid for

VII. **And be it further Enacted**, That every Person, taking Ordinary Licence, as aforesaid, shall, at the Time of having such Licence granted, pay to

to the Sheriff of the County, where such Person shall inhabit, the Fine or Sum to be paid for an Ordinary Licence, before-mentioned; which the Sheriffs, respectively, are hereby required and obliged, by virtue of their Office, to receive, and also to collect, and receive all Fines and Forfeitures arising on the Breach of any Part of this Act; and the Clerk of each respective County, shall keep a true and exact Entry of all Ordinary-Keepers, to whom such Licences are granted, and of all Fines and Forfeitures relating thereto; and on, or before the Fifteenth Day of *October*, yearly, shall return to the Treasurers of the Western or Eastern Shores, respectively, where the said Clerks shall officiate, a true List of all Ordinary-Keepers, in their respective Counties, licensed as aforesaid, and also of all Fines and Forfeitures, happening in that Year, under this Act.

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Ordinary Licences, Fines, &c. under this Act; and the County Clerks to return true Lists thereof, to the Treasurers of the respective Shores.

VIII. **And be it further Enacted**, That the Justices of the several County Courts, shall, at their respective County Courts, in the Month of *August*, yearly, or oftener, as they shall think fit, set, and assess, in Current Money, the Rates and Prices of all Liquors, and other Accommodations, whatsoever, by Ordinary-Keepers to be vended for the Year ensuing; which Rates and Prices of all Liquors, and other Accommodations, so to be set and assessed by the Justices aforesaid, shall be, by their several and respective Clerks, transcribed, and set up, in some Public Place, in their respective County Court-House, that every Person may peruse the same; a Copy of which Rates, every Ordinary-Keeper, within each County, is hereby obliged to keep, and set up, in the most public and convenient Place of his House, for the Perusal of all Persons whatsoever, under the Penalty of Four Pounds Current Money: And every Ordinary-Keeper, who shall directly, or indirectly, demand, or receive, for any such Liquors, or other Accommodations, more than the Rates and Prices so assessed, shall, for every such Demand, or Receipt, forfeit and pay Forty Shillings Current Money. And, in case any Suit is brought by any Ordinary-Keeper, on any Account wherein any Liquors, or other Accommodations, are charged higher than the Rates aforesaid, such Ordinary-Keeper shall be non-suit, and pay the Defendant his full Costs; and for every such Account paid, and satisfied, to any Ordinary-Keeper, he shall, on Complaint, by the Party injured, to a single Magistrate, or County Court, be, in a summary Way, ordered and compelled, by such Magistrate, or County Court, to restore to the Party injured, the whole Sum, so before had and received, on such Account, with his Cost on such Complaint.

The Justices, every *August*, to fix the Rates of Liquors, &c.

Ordinary-Keepers demanding more, to forfeit 40*s.* and in case of Suit, to pay Costs, &c.

IX. **And be it further Enacted**, That every Ordinary-Keeper, to be licensed as aforesaid, shall, within Two Months after obtaining Licence, be obliged to provide and maintain (if such Ordinary be kept at the Court-House in any County) Six good Feather-Beds, more than sufficient for the private Use of such Ordinary-Keeper, with sufficient Covering for the same, and *Indian* Corn, Oats, Hay, Straw, and Stabling for Ten Horses, at least. And, if at any Place in the County, other than the Court-House, Three spare Beds, with Covering, and sufficient Stabling, and Provender for Six Horses, at least, under the Penalty of Ten Pounds Current Money.

Sufficient Beds, Stabling, &c. to be provided, under a Penalty of 10*l.*

X. **Provided always, and be it Enacted**, That no Person, so to be licensed, shall, during the Time of such his keeping Ordinary, be a Delegate, Justice of the Peace, or other Officer of the Peace, Attorney, Deputy-Commissary, Clerk, Sheriff, Deputy-Sheriff, Vestryman, Churchwarden, or Juryman, or bear any other Public Office, or Place of Trust, within this Province; nor shall any such Licence be granted to any Person, other than the Master, Principal, or Head of the House, in which such Ordinary shall be kept.

No Ordinary-Keeper to hold any Office. &c.

XI. **And be it further Enacted**, That if any Ordinary-Keeper, shall keep a disorderly House, upon Complaint made thereof, to the Justices of the County

Disorderly Houses may be suspended, and

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County Court, they are hereby authoriſed and required to ſuppreſs ſuch Ordinary; and, during the Receſs of the Court, upon Complaint made to any Two Juſtices of the Peace, or upon their own Obſervation of ſuch Miſbehaviour, contrary to the Directions of this Act, it ſhall be lawful for them to ſuſpend ſuch Ordinary-Keeper, until the next County Court, who may hear, and finally determine the Matter, and either entirely ſuppreſs, or permit the Continuance of ſuch Ordinary.

afterwards ſuppreſſed.

Perſons ſuſpended, not to keep Ordinary, under Penalty, &c.

XII. **And be it further Enacted**, That if any Perſon, ſo ſuſpended, ſhall preſume, during ſuch Suſpenſion, to keep Ordinary, ſuch Perſon ſhall incur the ſame Penalty and Forfeiture, as Perſons keeping Ordinary, without Licence, are ſubject to by this Act.

If ſuppreſſed, &c. and continuing ſo to do, to forfeit 10*l. per* Month.

XIII. **And be it further Enacted**, That any Keeper of an Ordinary, which ſhall be ſo ſuppreſſed, or other Perſon that ſhall preſume to keep Ordinary, without Licence firſt obtained, as aforeſaid, ſhall, for every Month, he or ſhe ſhall ſo keep Ordinary, forfeit and pay Ten Pounds Current Money, and ſo proportionably for a longer or ſhorter Time.

To keep ſealed Meaſures, under the Penalty of 4*l.*

XIV. **And be it further Enacted**, That every licenſed Ordinary-Keeper, ſhall ſell only by ſealed Meaſures, except Bottled-Cyder, Perry, Quince-Drink, and Strong Beer, of the Produce of this Province, and ſuch Liquors as ſhall come into this Province in Bottles: And that any Ordinary-Keeper, who ſhall neglect to keep a ſealed Quart, Pint, Half-Pint, and Gill Meaſure, and ſhall refuſe, or neglect to ſell by the ſame, as aforeſaid, ſhall forfeit and pay the Sum of Four Pounds Current Money.

Perſons, not licenſed, and ſelling ſpirituous Liquors, after the 1st of *Sept.* if drank in, or near his Houſe, &c. to forfeit 30*s.*

XV. **And be it likewiſe Enacted**, That from and after the Firſt Day of *September* next, any Perſon whatſoever, not being licenſed to keep Ordinary, who ſhall preſume to ſell any Rum, Brandy, Cyder, or other ſpirituous Liquors, mixed, or unmixed, and ſuffer any Part thereof to be drank in, or about the Houſe or Plantation, of ſuch Perſon, or who ſhall ſell any ſpirituous Liquors, as aforeſaid, at, or near the Court-Houſe of any County in this Province, or at, or near the Place of any Muſter, or Training of the Militia, or on board any Veſſel, within this Province, and ſuffer the ſame to be drank in ſuch Veſſel, except to Sailors, or Perſons belonging to, or employed to labour on board ſuch Veſſel, ſuch Perſon ſo offending, ſhall forfeit and pay Thirty Shillings Current Money for every ſuch Offence.

Merchants, not prevented, under a Reſtriction.

XVI. **Provided always**, That nothing in this Act, ſhall be conſtrued to prohibit any Merchant, or Perſon keeping Store, for the Sale of Merchandize, from retailing Liquors, ſo as ſuch Liquors be not drank at the Houſe, Store, or Place, where the ſame ſhall be ſold.

Proviſo.

XVII. **Provided alſo**, That nothing in this Act contained, ſhall be conſtrued to prohibit any Perſon, or his Agent, Clerk, or other Manager, to diſpoſe of any ſtrong or ſpirituous Liquors, to Tradeſmen, Labourers, or others, hired, or employed by ſuch Perſon, or his Agent, Clerk, or other Manager.

Perſons, after the 1st of *Sept.* making a Fair, and ſelling ſpirituous Liquors,

XVIII. **And be it Enacted**, That from and after the ſaid Firſt Day of *September* next, if any Perſon whatſoever, ſhall make, or hold, what is commonly called a Fair, or ſhall ſet up any Money, or other Thing, to be run for, by any Horſes, Mares, or Geldings, or to be ſhot for, or contended for, in any Manner whatſoever, and at the Place where ſuch Fair is kept, or held, or where ſuch Money, or other Thing, is ſo ſet up, to be contended for, ſhall ſell, or diſpoſe of, or cauſe to be ſold, or diſpoſed of, by any other Perſon, for his, or her Uſe, any Quantity of Wine, Rum, Brandy, Cyder, or other ſpirituous

spirituous Liquors, mixed or unmixed, such Person, so offending, shall forfeit and pay Five Pounds Current Money. forfeit 5*l.*

XIX. **And be it further Enacted**, That if any Person, other than the Person making such Fair, or setting up such Money, or other Thing, to be contended for, as aforesaid, shall, at any Place of Meeting, for any of the Purposes aforesaid, sell or dispose of any Wine, Rum, Brandy, Cyder, or other strong Liquors, mixed or unmixed, such Person, so offending, shall forfeit and pay Five Pounds Current Money. Other Persons selling spirituous Liquors at such Fair, forfeit the like Sum.

XX. **Provided always**, That nothing in this Act contained, shall extend, or be construed to extend, to prohibit any Person from selling any strong and spirituous Liquors, or any Mixture of the same, at any Fair, authorised and established by Act of Assembly of this Province, Charter, or Bye-Law of any Corporation, or to prohibit any licensed Ordinary-Keeper, from selling strong and spirituous Liquors, or any Mixture thereof, at Horse-Races, for any Sum of Money exceeding Sixteen Pounds Current Money. Proviso, with respect to Fairs established by Act of Assembly, &c. or when a Race shall be for more than 16*l.*

XXI. **Provided nevertheless, and be it Enacted**, That it shall not be lawful for any Person, whatsoever, other than a licensed Ordinary-Keeper, to sell, or dispose of, at any such last mentioned Horse-Race, any Wine, Rum, Brandy, Cyder, or other strong Liquors, or any Mixture thereof, under Pain of forfeiting, for every Quantity of the same, sold at one Time, to one or more Persons, Thirty Shillings Current Money. None but licensed Ordinary-Keepers, to sell at such Race, under Penalty of 30*s.*

XXII. **And be it further Enacted**, That it shall not be lawful for any Person (except licensed Ordinary-Keepers, at the Time of Horse-Racing, as aforesaid) at any Time to set up, or cause to be set up, a Booth, or other Convenience, on, or near any Public Road, or at any other Place, except where Fairs established by Act of Assembly, Charter, or Bye-Law of any Corporation, are held, and sell or dispose of, thereat, any Wine, Rum, Brandy, Cyder, or other strong Liquors, mixt or unmixt, under the Penalty of Thirty Shillings Current Money, for every Quantity sold at any one Time, to one or more Persons. or allowed to set up Booths, except at Fairs established as above, under the like Penalty.

XXIII. **Provided always, and be it Enacted**, That it shall not be lawful for any licensed Ordinary-Keeper, to sell or dispose of, after Sun-set, at the Time and Place of Horse-racing aforesaid, any such strong or spirituous Liquors, or mixt Drink, on Pain of forfeiting, for every such Offence, Five Pounds Current Money. Penalty on Ordinary-Keepers selling after Sun set.

XXIV. **And be it further Enacted**, That it shall not be lawful for the Justices of any County Court, to grant a Licence to any Person to keep an Ordinary, until such Person enter into a Recognizance, in the Name of the Right Honourable the Lord Proprietary of this Province, in the Sum of Forty Pounds Current Money, with Two sufficient Sureties: Conditioned, That if the Person, so obtaining such Licence, shall keep good Rules and Orders, and not suffer loose, idle, or disorderly Persons, to tipple, game, or commit any Disorders, or other Irregularities, in such Ordinary, and shall also well and truly observe, perform, fulfil, and keep the several Matters and Things in this Act particularly specified, and in every respect conform himself thereto, then the said Recognizance to be void, otherwise of Force; for which said Licences, and Recognizances, a Copy of the Rates of Liquors, and other Accommodations, every Ordinary-Keeper shall pay to the Clerk of each respective County Court, the Sum of Four Shillings Current Money, and no more. Licences not to be granted by the County Courts, until the Party enters into a Recognizance, &c. Clerk's Fee, for his Services.

XXV. **And be it Enacted**, That no Ordinary-Keeper shall presume to entertain any Sailor or Sailors, or other Person employed in loading of Ships or Sailors not to be entertained, under Suspension, &c.

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Veſſels, (the Maſter and Mate excepted) to the Neglect of their Buſineſs, under the Pain of Suſpenſion; nor ſhall credit any ſuch Sailor, for more than Four Shillings, during any one Voyage, under the Penalty of loſing his Debt, and being fined Twenty Shillings Current Money.

under Pain of Suſpenſion, &c.

Ordinary-Keepers, entertaining Apprentices, Servants, or Slaves, without leave from their Maſters, &c. to forfeit 20 *s.* recoverable before a ſingle Magiſtrate.

XXVI. **And be it further Enacted,** That if any Ordinary-Keeper ſhall harbour, entertain, or ſell any Liquor, to any indented Apprentice, or Apprentice bound out by any County Court of this Province, or any bought indented, or convicted Servant, or any Slave belonging to, or employed by any Perſon or Perſons, within this Province, without Leave or Licence, in Writing, firſt had and obtained, from the reſpective Maſter, Miſtreſs, or Owner of ſuch Apprentice, Servant or Slave, ſuch Ordinary-Keeper ſhall, for every ſuch Offence, forfeit and pay Twenty Shillings, to the Maſter or Miſtreſs of ſuch Apprentice, Servant, or Slave, to be recovered, with Coſts, upon Complaint of the ſaid Maſter or Miſtreſs, before a Juſtice of the County, where ſuch Ordinary-Keeper lives. **And,** whereas it is a general Complaint throughout this Province, that Ordinary-Keepers have made it their frequent Practice to game in their own Houſes, and to entertain Tradeſmen, and other Perſons, having Families, and no viſible Means of Subſiſtence, but by their own Labour and Induſtry, and ſingle diſorderly Perſons, tippling and gaming in their Houſes, to the waſting their Time, and Ruin of themſelves and Families, and to the evil Example of others: For Prevention of ſuch Evils, for the future; **Be it Enacted,** That no Perſon, licenſed to keep Ordinary, ſhall game in his own Houſe, under the Penalty of Ten Pounds Current Money for every ſuch Offence, or ſhall ſuffer any Tradeſmen, or other Perſon, having a Family, and no viſible Eſtate, or other Means of Support, than his own Labour and Induſtry, or any ſingle Perſon, not having a viſible Eſtate ſufficient to ſupport him, without Labour, to tipple or game, in ſuch Ordinary, on Pain of not being paid for any Liquor, or other Accommodation, which ſuch Ordinary-Keeper ſhall ſupply ſuch Perſon with, or which ſhall be loſt by any ſuch Perſon at any Game.

Ordinary-Keepers not to game in their own Houſes, under the Penalty of 10 *l.* nor ſuffer Tradeſmen to tipple on Pain of loſing their Debt.

Proviſo.

XXVII. **Provided always,** That no Ordinary-Keeper ſhall be reſtrained from ſupplying any of the Perſons herein before mentioned, with Victuals or Liquors, in moderate and neceſſary Quantities, ſo as no Ordinary-Keeper ſhall truſt any ſuch Perſon, for more than Four Shillings, or the Value thereof, in any One Year.

Travellers may be ſupplied with all Neceſſaries.

XXVIII. **And provided alſo,** That no Ordinary-Keeper ſhall be hindered or reſtrained from ſelling to, or ſupplying Perſons travelling upon their neceſſary Occaſions, (ſo far diſtant from their own Habitations, as may render it impracticable or inconvenient to repair thither, and ſuch Perſons as may happen to be confined in ſuch Ordinary, by Sickneſs, Severity of Weather, or other Accident, with Diet, and other neceſſary Accommodations) altho' the ſame ſhall amount unto more than the Sum of Four Shillings aforeſaid.

Courts and Juries to enquire into Actions brought before them; and if the Debts ſued for, were contracted contrary to this Act, the Plaintiff to be Non-ſuit.

XXIX. **And be it Enacted,** That in any Action in a Court of Juſtice, or Diſpute before a ſingle Magiſtrate, between any Ordinary-Keeper, and any Perſon in this Act deſcribed, ſuch Court, and the Jury, in any Trial by a Jury, or ſingle Magiſtrate, ſhall, by virtue of this Act, conſider and enquire, whether any Debt, ſo ſued for, or claimed, was contracted contrary to the true Intent and Meaning of this Act; and, if it ſhall appear to ſuch Court, and Jury, or Magiſtrate, that ſuch Debt was contracted contrary to this Act, that then the Plaintiff ſhall be non-ſuit, and the Defendant recover his Coſt of Suit: And that in caſe any Action or Demand ſhall be brought on any Obligation, under the Hand and Seal of any ſuch Perſon, or upon any Note or Writing, under the Hand only of the Defendant or Debtor, or if any ſuch Obligation, Note, or Writing, ſhall be given in Evidence, to ſupport ſuch

such Action or Demand, it shall and may be lawful for the Defendant, or Debtor, in every such Action or Demand, to plead the general Issue; and that then, and in every such Case, Action, or Demand, it shall be incumbent on the Plaintiff, to prove for what Consideration such Obligation, Note, or Writing, was passed; and, if such Plaintiff does not prove the same to have been passed for some other Consideration, than for Liquor, or other Accommodations, sold or lost as aforesaid, or prove that such Liquors or Accommodations, were absolutely necessary, and not sold or furnished, contrary to the true Intent and Meaning of this Act, the Plaintiff shall be non-suit, and the Defendant shall recover his Cost of Suit.

Debts for Liquor, or Gaming, not recoverable.

XXX. **And be it further Enacted**, That if it shall appear to any Court, or Magistrate, that any Part of any Account to be sued for, or demanded, or any Part of the Consideration for which any Obligation or Note shall be taken, or passed, shall be for Liquors or Accommodations supplied, or sold, or any Tobacco, Money, or Liquor, won at gaming, contrary to this Act, then, and in every such Case, the Plaintiff shall recover only what shall appear to be due, exclusive of any Liquor or other Accommodations, supplied or provided contrary to this Act, and the Defendant shall be discharged from the Residue, and recover his full Cost of Suit; any Law, Usage, or Custom to the contrary, notwithstanding.

Obligations taken in Trust, for Ordinary-Keepers, to be void.

XXXI. **And be it further Enacted**, That all Mortgages, Obligations, or other Securities, which shall be taken in Trust for any Ordinary-Keeper, shall be absolutely void, unless such Mortgage, Obligation, or other Security, shall be assigned or transferred to any other Person, being a Stranger to such Trust, for a valuable Consideration; and, in case of such Assignment or Transfer, that such Trustee shall forfeit and pay double the Principal Sum mentioned in such Mortgage, Obligation, or other Security.

An Act made in 1712, Repealed.

XXXII. **And be it further Enacted**, That an Act of Assembly, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty-eighth Day of *October*, One Thousand Seven Hundred and Twelve, entitled, *An Act restraining Victuallers and Keepers of Public-Houses, from entertaining of Sailors, to the Prejudice of Trade and Commerce*, be, and is hereby repealed.

Four Coffee-Houses may be licensed, and the Owners not obliged to provide Beds, or Stabling.

XXXIII. **Provided also, and be it Enacted**, That it shall and may be lawful for the Justices of *Anne-Arundel*, *Kent*, *Baltimore*, and *Frederick* County Courts, respectively, to license any Person within the City of *Annapolis*, *Chester-Town*, *Baltimore-Town*, or *Frederick-Town*, to keep one Coffee-House within the said City, and each of the said Towns, for the Entertainment of Company; and that such Person, so licensed as aforesaid, shall not be obliged to find and provide Beds for lodging Company, or Stabling and Provender for Horses; any Thing herein before contained to the contrary thereof, in any wise, notwithstanding.

Where the mode of Recovery is not pointed out by this Act, and the Debt does not exceed 50*s.* to be recoverable before a single Magistrate; if a greater Sum, in any Court of Record.

XXXIV. **And be it further Enacted**, That in all Cases, where no different Mode of Recovery or Application is appointed by this Act, all and every Fine and Forfeiture imposed by this Act, shall and may be recovered in Manner following: *To wit*, where the Sum doth not exceed Fifty Shillings Current Money, the same shall and may be recovered, on the Application or Information of any Person or Persons, whatsoever, before any one Justice of the Peace, as in the Case of Small Debts, with Costs; and where the Sum exceeds Fifty Shillings Current Money, the same shall, and may be recovered in any Court of Record, by Action of Debt, Bill of Indictment, or Information, with Costs, by him, her, or them, who will sue or prosecute to Effect for the same; and that One Half of all Fines and Forfeitures to be incurred

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Fines and Forfeitures, how to be diſpoſed of.

curred for any Breach of this Act, where the ſame is not otherwiſe given or applied, ſhall be to him, her, or them, who will ſue or proſecute to Effect for the ſame; and the other Half thereof ſhall be paid to the Sheriff of the County in which the Recovery ſhall happen.

Sheriffs to pay annually, all the Money received by this Act, to the Treaſurers, to be by them accounted for to the General Aſſembly, deducting their Commiſſions.

XXXV. **And be it further Enacted,** That the ſeveral Sheriffs aforeſaid, ſhall be allowed at, and after the Rate of Five *per Cent.* on all Monies by them reſpectively received in virtue of this Act, and the ſaid Sheriffs ſhall, yearly, and every Year, on or before the Twentieth Day of *October*, pay all the Monies, by them received, in virtue of this Act, except their Commiſſion aforeſaid, into the Hands of the Treaſurers of the reſpective Shores where received; to be by the ſaid Treaſurers, from Time to Time, accounted for to the General Aſſembly, (deducting therefrom Five *per Cent.* for their Salaries) and by the ſaid Aſſembly to be diſpoſed of, towards the defraying of the Public Charge of this Province.

Continuance.

XXXVI. This Act to continue for, and during the Space of Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years.

CHAP. XXVIII.

An ACT for amending and declaring the Law, in the Caſes therein mentioned.

Preamble.

WHEREAS, by the Act, entitled, *An Act cauſing Grand and Petit Jurors, to come to the Provincial and County Courts, and aſcertaining their Allowances*; it is, among other Things provided, that the Jurors to be ſummoned, by virtue of that Act, to the Provincial and County Courts, ſhall be of the beſt, and moſt underſtanding Freeholders, of their ſeveral and reſpective Counties; and that no Perſon, having any Matter of Fact, depending for Trial, in any Court whatſoever, ſhall be admitted as a qualified Juror, between Party and Party, during the Sitting of ſuch Court, that ſuch Matter of Fact ſhall be, or ſhall be expected to be tried in.

No Verdict in future to be ſet aſide, where any Juror, who tried the Cauſe, was not a Freeholder, &c.

II. **Be it Enacted, and Declared,** *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame,* That no Verdict of a Jury ſhall hereafter be ſet aſide, nor Judgment on any Verdict, ſtaid, arreſted, or reverſed, by Reaſon that any Juror, who tried the Cauſe, was not a Freeholder, or by Reaſon that any ſuch Juror had a Matter of Fact depending for Trial, as aforeſaid.

Proviſo.

III. **Provided nevertheleſs,** That it ſhall and may be lawful, to, and for the Plaintiff, and Defendant, in any Cauſe, to be tried in any of the ſaid Courts, to challenge any Juror, for Want of Freehold, or by Reaſon that ſuch Juror hath a Matter of Fact depending for Trial, as aforeſaid; and that the Want of Freehold, or the having a Matter of Fact depending for Trial, as aforeſaid, ſhall be held and allowed to be a good Cauſe of Challenge, to any ſuch Juror.

Jurors may be charged as unqualified, not having a Freehold of 50 Acres of Land, or of the full Value of 50*l.* Sterling.

IV. **And,** whereas it hath been doubted, of what Value the Freehold in the ſaid recited Act mentioned, ought to be; **It is hereby Enacted,** That no Juror ſhall be received, as a qualified Juror, in any Court within this Province, (the Mayor's Court of the City of *Annapolis* excepted) unleſs ſuch Juror ſhall have an Eſtate of Freehold, at the leaſt, in his own Right, or in the Right of his Wife, in Fifty Acres of Land, or upwards, or an Eſtate of Freehold, as aforeſaid, of the full Value of Fifty Pounds Sterling, at the leaſt, if the Plaintiff or Defendant, will challenge any Juror, for Want of ſuch Freehold.

V. And

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V. **And be it further Enacted**, That inſtead of the Form of Recognizance of Bail, preſcribed by the Act, entitled, *An Act for taking Special Bail in the ſeveral Counties in this Province, upon Actions or Suits depending in his Majeſty's Provincial Court, and in the ſeveral County Courts of this Province*, the following Form ſhall be obſerved, and uſed, in all Actions to be commenced, from and after the Third Tueſday in *October* next, *That is to ſay*,

Form of Recognizance of Bail to be obſerved, inſtead of one preſcribed by a former Act.

John Doe, *Plaintiff*, *againſt* Richard Roe, *Defendant*.

You A. B. *and* C. D. *do jointly and ſeverally, acknowledge yourſelves Special Bail for the ſaid* Richard Roe, *at the Suit of the ſaid* John Doe, *in an Action of Debt, brought by the ſaid* John Doe, *againſt the ſaid* Richard Roe, *in the Provincial Court. They acknowledge themſelves to be content therewith, this Day of before*

To the Honourable the Juſtices of the Provincial Court.

Varying nevertheleſs the ſaid Form, according as the Nature of the Action may require; and, that the ſaid Recognizance ſhall have the ſame Force and Effect, as any Recognizance of Bail, acknowledged and taken in open Court.

The Juſtice, or Juſtices, before whom it ſhall be taken, to examine into the Circumſtances of the Bail, that they be of ſufficient Eſtate, &c.

VI. **And be it further Enacted**, That the Juſtice, or Juſtices, by, and before whom, any ſuch Recognizance of Bail ſhall be taken and acknowledged, ſhall, and they are hereby required, carefully to examine into the Circumſtances and Sufficiency of the Bail, ſo to be taken, as aforeſaid, and to be careful that they do not take any Recognizance of Bail, of Perſons that ſhall not appear to them to have ſufficient Eſtate, within this Province, to anſwer the ſame at the Time of taking and acknowledging thereof. Provided, That nothing herein, ſhall be conſtrued to abridge, or take away, the Power of the Juſtices of the Provincial or County Courts, within this Province, to make Rules and Orders for the juſtifying Bails, and making the ſame abſolute, or to examine the Sureties, upon Oath, touching the Value of their Eſtates, as by the ſaid recited Act they are requeſted to do.

Any Judgement hereafter to be rendered upon any Recognizance of Bail, the Plaintiff may iſſue Execution, &c.

VII. **And be it alſo Enacted**, That upon any Judgment, hereafter to be rendered upon any Recognizance of Bail, it ſhall and may be lawful for the Plaintiff, or Plaintiffs therein, to iſſue Execution againſt the Body, Goods, or Chattels, Lands, or Tenements, of the Defendant, as if the ſaid Judgment were for his own proper Debt; any Law, Uſage, or Cuſtom, to the contrary thereof, in any wiſe, notwithſtanding.

Judgments, rendered with Stay, if entered the ſame Court, on the Clerk's Docket, Execution may iſſue at any Time, within Twelve Months after the Expiration of ſuch Stay, &c.

VIII. **And be it Enacted, and Declared**, That Execution may be iſſued on any Judgment rendered, or to be rendered, in the Provincial Court, or in any County Court of this Province, with Stay of Execution, at any Time within Twelve Months next after the Expiration of ſuch Stay, Provided, That the Stay of Execution be entered upon the Clerk of the Court, his Docket, at the ſame Court, when the Judgment ſhall be rendered; and alſo after the Diſſolution of any Injunction of, or from the Court of Chancery, or the Diſcharge or Expiration of any Superſedeas, on Appeal, or any Writ of Error, at any Time within Twelve Months after Diſſolution of ſuch Injunction, or Diſcharge, or Expiration of ſuch Superſedeas.

Cauſes referred by Rule of Court, &c. Judgment to be entered on the Award, and Execution may be iſſued thereon, &c.

IX. **And be it further Enacted**, That if any Cauſe, inſtituted, or hereafter to be inſtituted, in any of the Courts of this Province, ſhall, by Rule of Court, and by the Conſent and Agreement of the Parties thereto, be ſubmitted and referred to the Award and Arbitrament of any Perſon, or Perſons, it ſhall and may be lawful, to, and for ſuch Court, to give Judgment upon the Award of the Perſon, or Perſons, to whom ſuch Submiſſion and Reference ſhall be made, as of the Court to which ſuch Award ſhall be returned; and to award Execution thereon, in the ſame Manner as they might do upon Verdict, Confeſſion, or Non-ſuit; and that ſuch Judgment

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shall have the same Effect, to every Intent and Purpose, as any Judgment upon Verdict, or Confession, would have.

Proviso.

X. **Provided always**, That such Award shall remain Seven Days in the Provincial Court, during their Sitting, if returned to the Provincial Court; or Three Days, in the respective County Courts, during their Sitting, if returned to any County Court, after the Return thereof, before any such Judgment shall be entered up. And, if it shall appear to the Justices of the Court, to which any such Award shall be returned, within the respective Times aforesaid, that the same was obtained by Fraud, or Mal-Practice, in, or by Surprise, Imposition, or Deception of the Arbitrators, or without due Notice to the Parties, or their Attorney, or Attornies, it shall and may be lawful for the said Court, to set aside such Award, and refuse to give Judgment thereon.

Goods and Chattels distrained by the Sheriff, for Public Levies, &c. if replevied, and the Person shall afterwards be non-suit, &c. he shall pay the Sum for which such Distress was made, and Costs of Suit.

XI. **And be it further Enacted**, That if any Person, or Persons, whose Goods and Chattels shall hereafter be distrained, by any Sheriff, within this Province, for Public or County Levies, Clergies Allowances, or Dues, Parochial Charges, Officers, or Attornies Fees, shall replevy such Goods and Chattels, or any of them, and shall afterwards be non-suit, or discontinue his, her, or their Suit, or have Judgment rendered therein, against him, her, or them, upon Verdict or Demurrer; such Person, or Persons, shall pay to the Sheriff, the Sum for which such Distress shall be taken, and Costs of Suit, to be determined and adjudged by the Court wherein such Suit shall be, and Execution therefore, may, and shall be made, by *Capias ad Satisfaciendum*, *Fieri Facias*, or otherwise, as of Judgment in any Action of Debt.

Causes removed from the County Court, by Writ, to the Provincial, where the Debt does not exceed 20*l.* Sterling, &c. the Justices, on Prayer of the Defendant, may award a *Procedendo* on such Writ.

XII. **And be it further Enacted**, That if any Writ of *Certiorari*, shall be hereafter issued out of the Provincial Court, to remove any Cause depending in any County Court within this Province, if, upon the Return of such Writ, and the Record certified into the said Provincial Court, it shall appear to the Justices of the same Court, that the original Debt, or Damages, do not exceed the Value of Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, or where the Action shall be brought upon a Bond, or other Specialty, for the Payment of Money, or Tobacco, or Payment or Performance of any Bill of Exchange, protested, it shall appear to the said Justices, that the principal Sum, mentioned in such Specialty, or Condition thereof, or due on such Bill of Exchange, protested, doth not exceed the Value of Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, it shall and may be lawful, for the said Justices of the Provincial Court, upon the Prayer of the Defendant, in such Cause, to award a *Procedendo* on such Writ of *Certiorari*; any Law, Usage, or Custom, to the contrary, notwithstanding.

Judgments entered on Awards, to be good and valid.

XIII. **And be it further Enacted**, That in all Cases whatsoever, where Judgments have been entered, agreeable to Awards heretofore made, the same shall be deemed and taken to be good and valid, and as effectual in Law, to all Intents and Purposes, as if the same Judgment had been rendered upon Verdict, or Confession.

Proviso.

XIV. **Provided always**, That nothing in this Act contained, shall extend, or be construed to extend, to establish, or in any Manner, affect any Judgement that hath been entered, on which any Writ of Error, or Appeal, hath been presented, or is now depending; but that such Judgment shall be considered, in all Respects, as if this Act had not been made; or be construed to affect any Person, or Persons, that hath, or have purchased, any Lands, Tenements, or Hereditaments, *bona fide*, and on good and valuable Consideration; but that such Purchaser, or Purchasers, shall be, and remain, in the same State, Right, and Condition, as if this Act had not passed.

XV. This

XV. This Act to continue for, and during the Space of Three Years, and to the End of the next Seſſion of Aſſembly, which ſhall happen after the Expiration of the ſaid Three Years. CHAP. XXVIII. Continuance.

CHAP. XXIX.

An ACT for the Relief of the Poor, within the ſeveral Counties therein mentioned.

WHEREAS the Neceſſity, Number, and continual Increaſe of the Poor, within this Province, is very great, and exceedingly burthenſome, which might be greatly leſſened, by a due Regulation and Employment of them; Preamble.

II. **Be it therefore Enacted**, *by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governor, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame*, That there ſhall be an Alms, and Work-Houſe, erected, built, and ſet up, in the ſeveral Counties herein after named, at convenient Places therein, at the general Charge and Expence of the reſpective Counties, where the ſaid Alms, and Work-Houſes, ſhall be erected and built; and that the Juſtices of the ſaid County Courts, reſpectively, for the Time being, ſhall, and they are hereby authoriſed and impowered, to aſſeſs and levy, on the taxable Inhabitants of each County, at the Time of laying their reſpective County Levy, a Quantity, not exceeding Fifteen Pounds of Tobacco, by the Poll, on each and every the taxable Inhabitants of their ſaid Counties, in each of the Years of our Lord, Seventeen Hundred and Sixty-eight, Seventeen Hundred and Sixty-nine, and Seventeen Hundred and Seventy, together with the Sheriff's Salary, of Five *per Cent.* for collecting the ſame; which ſaid Aſſeſſments, ſo as aforeſaid to be made, and levied, ſhall be collected by the ſeveral and reſpective Sheriffs of the ſaid Counties, from the ſeveral taxable Perſons, who ſhall reſide within the ſame, in the ſame Manner as the Public and County Levies are collected; and the ſaid Tobacco, when ſo as aforeſaid collected, ſhall be paid, by ſuch Sheriffs, reſpectively, to ſuch Truſtees, for the Poor, or the major Part of them, as are by this Act appointed; who are hereby authoriſed, and required, to receive, and apply the ſame, to the Uſes and Purpoſes herein after directed. Alms, and Work-Houſes to be erected in particular Counties, for which the Juſtices are to aſſeſs a Quantity, not exceeding 15 lb. of Tobacco, *per* Poll, in the Years 1768, 1769, & 1770, together with the Sheriff's Salary of 5 *per Cent.* for Collection. To be paid to Truſteees;

III. **Provided always, and be it Enacted**, That it ſhall, and may be lawful, for the ſeveral and reſpective taxable Inhabitants, within every of the ſaid Counties, to pay, and diſcharge the ſaid ſeveral Aſſeſſments, in Money, in the ſame Manner, as they are enabled to pay, and diſcharge the Public, or County Levy. which may be diſcharged by the Inhabitants, in Money, &c.

IV. **And be it further Enacted**, That, for the Time being, the Five ſeveral Perſons, hereafter named, for each County, be, and are hereby nominated, appointed, and named, Truſtees for the Poor, within their ſeveral and reſpective Counties, and are empowered with full and ſufficient Authority, for diſcharging the ſeveral Offices, Duties, and Truſts, repoſed in, and required of them, by this Act, within the ſeveral and reſpective Counties, wherein they reſide; *That is to ſay:* For *Anne-Arundel* County, Meſſieurs *Brice Thomas Beale Worthington, Thomas Dorſey, Nicholas Worthington, Lancelot Jacques*, and *Upton Scott*. For *Prince-George's* County, Meſſieurs *John Baines, William Bowie, Richard Duckett, John Fendall Beall*, and *Nathaniel Magruder*. For *Worceſter* County, Meſſieurs *Parker Selby, George Hayward, Peter Chaille, Lemuell Purnell*, and *William Whittington*. For *Frederick* County, Meſſieurs *Jonathan Wilſon, Upton Sheredine, Thomas Bowles, Charles Beatty*, and *William Beatty*. For *Charles* County, Meſſieurs *Samuel Hanſon*, Jun. *Robert Maſtin, John Hanſon*, Five Perſons, in each County, appointed Truſtees for the Poor.

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Hanſon, Thomas M'Pherſon, and *Henry Smith Hawkins.* The which Perſons, ſo nominated, appointed, authoriſed, and named, for the ſeveral and reſpective Counties, as aforeſaid, or the major Part of them, in caſe of the Death or Abſence of any, are hereby required, with all convenient Speed, to meet at ſuch Places, within their Counties, as to them ſhall ſeem meet, to qualify themſelves for the Office of Truſtees for the Poor of their ſeveral and reſpective Counties, which they are to do, by taking the ſeveral Oaths appointed by Law to be taken to the Government, ſigning the Oath of Abjuration, and repeating and ſigning the Teſt, and alſo taking the following Oath, *to wit,* I A. B. *do ſwear, That I will duly and faithfully diſcharge the Duties and Truſts committed to me, as a Truſtee for the Poor, for —— County, according to the beſt of my Skill and Knowledge, and an Act of Aſſembly, entitled,* An Act for the Relief of the Poor, within the ſeveral Counties therein mentioned. So help me GOD. The which Oaths are to be adminiſtered by any of the Four Perſons laſt named, for the County, to the Perſon firſt named, or, in his Abſence, to any One of the Three Perſons firſt named, that ſhall be there preſent, the which Perſon being ſworn, as aforeſaid, ſhall adminiſter the Oaths aforementioned, to all the reſt, and ſo ſucceſſively; the Perſon firſt named, that ſhall be preſent, ſhall always adminiſter the ſaid Oaths, to any that have been abſent, or that ſhall hereafter be elected and choſen, purſuant to the Directions of this Act, to ſupply the Place of any that ſhall be dead, or removed out of the County, or of any who ſhall refuſe or neglect to qualify and act as a Truſtee, when elected and choſen, purſuant to the Directions of this Act: And the aforeſaid Perſons, or the major of them, being ſworn, as aforeſaid, ſhall be conſtituted and qualified, as Truſtees for the Poor of their ſaid County; and, as ſuch, are hereby inveſted with full Power and Authority, as a Body Politic, to plead, and be impleaded, to ſue, and be ſued, to defend, and be defended, to anſwer, and be anſwered, by the Name of the Truſtees for the Poor, in all, and every Cauſe, Complaint, and Action, real, perſonal, or mixt, of whatſoever Kind or Nature it ſhall be, in any of the Courts of Judicature, within this Province; and by that Name, they, and any of them, and their Succeſſors, ſhall, and they are hereby enabled, to take, hold, poſſeſs, and enjoy, any Gift, Donation, or Preſent, which ſhall, or may hereafter be given, deviſed, or bequeathed, by any Perſon or Perſons whatſoever, to them, or any of them, for, or towards the Support, and Maintainance of the Poor, in any of the Counties aforeſaid; and they, or any of them, may receive, by Way of Subſcription, any Sum, or Sums of Money, which ſhall, or may be given, for the better and more ſpeedy promoting the Benefit and Good, by this Act intended; and, that they have full Power, Authority, lawful Capacity, and Ability, to purchaſe, take, hold, receive, enjoy, and have, to them, and their Succeſſors, for ever, any Lands, Tenements, and Hereditaments, not exceeding the yearly Value of One Thouſand Pounds, of any Perſon, or Perſons, whatſoever; and are hereby impowered and authoriſed, to uſe one common Seal, in their Buſineſs, relating to the ſaid Corporation, and the ſame, at their Pleaſure, to change and alter; and, that the ſaid Perſons, ſo incorporated, the longeſt Livers and Succeſſors of them, ſhall be the true, ſole, and undoubted Truſtees, in perpetual Succeſſion, for ever, to be continued in Way and Manner hereafter ſpecified; with full and abſolute Power, Liberty, and Authority, in the making and ordaining ſuch Laws, Orders, and Rules, for the better relieving, regulating, and ſetting the Poor to Work, and puniſhing Vagrants, Beggars, Vagabonds, and other Offenders, and for the good Government of the ſaid Alms, and Work-Houſe, in their reſpective Counties, as to them, and their Succeſſors, ſhall, from Time to Time, ſeem moſt fit and requiſite; all which ſhall be obſerved by the Overſeer of ſuch Alms, and Work-Houſe, and by all Poor, Beggars, Vagrants, Vagabonds, and other Offenders, in ſuch Alms, and Work-Houſe, under the Penalties therein contained: *Provided always,* That the ſaid Rules, Laws, and Orders, be no wiſe contrary to the Laws of this Province.

To qualify as Truſtees for the Poor, by taking the Oaths to the Government, and Oath of Office.

Mode of Qualification.

Inveſted with Power and Authority, as a Body Politic,

and to uſe a common Seal in their Buſineſs, &c.

and to make Laws, &c. for the better Relief of the Poor, and puniſhing Vagrants, &c.

Proviſo.

V. And,

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V. And, to perpetuate the Succeſſion of the aforementioned Number of Five Truſtees, for the Poor, in each of the ſaid Counties, Be it Enacted, That as often as any one, or more of the ſaid Truſtees, for the Poor, ſhall die, or remove himſelf out of this County, that then, and ſo often, the Truſtees for the Time being, then ſurviving and remaining, within the ſaid County, or the major Part of them, be, and are hereby authoriſed and required, to elect, nominate, and chooſe, one or more of the Principal, and better Sort, of the Inhabitants of the County, not being related in Blood to any other of the then Truſtees, into the Place and Room of the ſaid Truſtee, ſo dead or removed, and ſo to fill up the full Number of Truſtees, for each Alms, and Work-Houſe; the which Perſons, ſo elected and choſen, from Time to Time, are always to be qualified in the ſame Manner, as before by this Act is directed.

In caſe of Death, or Removal of any of the ſaid Truſtees, the Survivers to nominate others, &c.

VI. And be it further Enacted, That every Perſon, by this Act appointed as a Truſtee for the Poor, or that ſhall hereafter be nominated and appointed, as ſuch, purſuant to the Directions hereof, and who ſhall wilfully refuſe, or delay to take upon him the ſaid Office, ſhall forfeit and pay, for every ſuch Refuſal, or Delay, the Sum of Ten Pounds Current Money. *Provided*, That no Member of the Upper or Lower Houſe of Aſſembly, Clergyman, Attorney, or practiſing Phyſician, be obliged to accept of the Office of Truſtee, aforeſaid, or forfeit, as aforeſaid, for refuſing to accept, and take upon him the ſame; and that no Provincial, or County Magiſtrate, or Sheriff, or any one who hath not the Qualification to be a Member of the Lower Houſe of Aſſembly, if elected, ſhall be capable to be choſen, or act as a Truſtee aforeſaid, nor ſhall any Perſon be compellable to ſerve, in leſs than Three Years after he hath ſerved, or paid the ſaid Forfeiture, for not ſerving as a Truſtee aforeſaid.

Truſtees appointed for the Poor, and refuſing to act, forfeit 10 *l.*

Proviſo.

VII. And, for enabling the ſaid Truſtees to purchaſe Land, and erect an Alms and Work-Houſe, in each of the ſaid Counties; Be it Enacted, That the ſaid Truſtees, or the major Part of them, be, and they are hereby authoriſed and impowered, from Time to Time, as Occaſion ſhall require, to draw upon the ſeveral and reſpective Sheriffs, of the ſeveral Counties aforeſaid, in whoſe Hands the Tobacco aforeſaid, ſo as aforeſaid to be aſſeſſed and levied, or ſuch Part thereof, as ſhall, by virtue of this Act, be ſo aſſeſſed and levied, ſhall remain, for ſo much of the ſaid Tobacco, as the ſaid Truſtees, or the major Part of them, ſhall, from Time to Time, think it neceſſary to draw for, for the Uſes and Purpoſes directed by this Act.

Truſtees, to draw on the Sheriffs, to enable them to purchaſe Land, and erect Alms, and Work-Houſes.

VIII. And be it further Enacted, That the ſaid Truſtees, or the major Part of them, appointed as aforeſaid, ſhall, and they are hereby authoriſed, directed, and required, to buy and purchaſe, in Fee, a Quantity of Land, in each County, not exceeding One Hundred Acres: And the ſaid Truſtees, or the major Part of them, appointed as aforeſaid, are hereby authoriſed, directed, and required, to agree and contract with a Workman, or Workmen, to undertake, erect, build, and in a Workman-like Manner, to complete and finiſh, on the ſaid Land, when ſo purchaſed, good, ſtrong, ſufficient, and convenient Houſes, Habitations, and Dwellings, for the Reception of the Poor of each County, and of ſuch Vagrants, Beggars, Vagabonds, and other Offenders, as ſhall be committed by virtue of this Act; and they ſhall appropriate one Part thereof, to be called, the Alms-Houſe, to, and for the Reception and Lodging of the Poor of the ſaid County, and another Part, or Parts thereof, to be called, the Work-Houſe, to, and for the Reception and Lodging of all ſuch Vagrants, Beggars, Vagabonds, and other Offenders, as ſhall be committed by virtue of this Act; and the aforeſaid Land, when bought, and the aforeſaid Houſes, Habitations, and Dwellings, when built, ſhall be, and they are hereby enacted, and declared, to be veſted in the ſaid

Not more than 100 Acres of Land in each County, to be purchaſed, on which, convenient Houſes to be built, and the Truſtees to contract with Workmen to complete the ſame; Part of which to be called the Alms-Houſe, for the Uſe of he Poor, and the other Part, the Work-Houſe, for the Reception of Vagrants, &c.

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Truſtees of that County, where the ſame ſhall be bought, erected, and built upon, by virtue of this Act, as their Eſtate and Inheritance, for the Uſes and Purpoſes by this Act directed and expreſſed.

The Truſtees, after the Houſes ſhall be finiſhed, to purchaſe Beds, Working-Tools, &c. and to purchaſe Land convenient to the principal Town, or Court-Houſe, of each County; and alſo to return a fair Account to the Juſtices, at every *Nov.* Court, to be by them examined.

IX. **And be it further Enacted**, That the ſaid Truſtees, or the major Part of them, appointed as aforeſaid, ſhall, and they are hereby authoriſed, directed, and required, after the Houſes, Habitations, and Dwellings aforeſaid, ſhall be completely erected, and finiſhed, to buy and purchaſe, for the Uſe, and Employment of the Poor, Vagrants, Beggars, Vagabonds, and other Offenders, who ſhall be committed by virtue of this Act, ſufficient Beds, Bedding, Working-Tools, Kitchen-Utenſils, Cows, Horſes, and other Neceſſaries. And the ſaid Truſtees, are hereby directed and required, to purchaſe the ſaid Quantity of Land, not exceeding One Hundred Acres, as near and convenient, as may be, to the principal Towns, in each County; or in thoſe Counties, where no ſuch Towns are, as near and convenient, as may be, to the ſeveral and reſpective Court-Houſes of each County: And the ſaid Truſtees, are hereby obliged, directed and required, to keep a fair, diſtinct, and clear Account, in Writing, of all the Monies, by them expended and paid, by virtue of this Act; and to return a true Copy thereof, and ſhew and produce the Vouchers, to ſupport the ſame, to the Juſtices of the ſeveral Counties aforeſaid, at their reſpective *November* Courts, to be, by the ſaid Juſtices, inſpected and examined.

The Juſtices of the Counties aforeſaid, to aſſeſs in 1771, a Quantity, not exceeding 15lb. *per* Poll, &c. to be paid to the Order of the Truſtees, &c. to be applied to the Uſe of the Poor, &c.

X. **And be it further Enacted**, That after the Expiration of the ſaid Three Years, the Juſtices of the ſeveral County Courts aforeſaid, reſpectively, for the Time being, ſhall, and they are hereby impowered, to aſſeſs and levy, on the taxable Inhabitants of each of their ſaid Counties, at the Time of laying their County Levies, in the Year Seventeen Hundred and Seventy-one, a Quantity of Tobacco, not exceeding Fifteen Pounds by the Poll, on each, and every of the taxable Inhabitants, in each of their ſaid Counties, together with the Sheriff's Salary of Five *per Cent.* for collecting the ſame; which ſaid Aſſeſſment ſhall be made, levied, collected, and paid, in the ſame Manner as herein before by this Act is directed; which ſaid Tobacco, when ſo as aforeſaid collected, ſhall be paid by ſuch Sheriffs, reſpectively, to the Order of ſuch Truſtees, or the major Part of them, under their common Seal, who are hereby authoriſed and required, to receive and apply the ſame, to, and for the Uſe, Benefit, and Charge of maintaining the Poor, Vagrants, Beggars, Vagabonds, and other Offenders, in the purchaſing Proviſions, and other Neceſſaries, for Uſe and Labour, in paying a Doctor for his Salary and Medicines, in providing Men and Women Servants, to be under the Management and Direction of an Overſeer of ſuch Alms, and Work-Houſe, hereafter to be appointed; and in purchaſing Materials, for the Uſe and Employment of all the Poor, and all Beggars, Vagrants, Vagabonds, and other Offenders, who ſhall be able to work, and who ſhall be committed by virtue of this Act.

Truſtees to meet on the 1st Monday of *May*, yearly, to appoint Overſeers of the Alms, and Work-Houſes &c.

and impowered to pay a Salary, not exceeding 80*l. per Annum.*

XI. **And be it further Enacted**, That the ſaid Truſtees, or the major Part of them, ſhall, and they are hereby authoriſed, obliged, directed, and enjoined, to meet together, on the Firſt Monday of *May*, yearly, and at all ſuch other Times, as they ſhall judge neceſſary, at the reſpective Alms, and Work-Houſe, in each County, during the Continuance of this Act, to appoint a fit Perſon of each County, to be Overſeer of the Alms, and Work-Houſe, in each ſeveral and reſpective County, and other proper Officers, and Servants, as to them ſhall appear neceſſary, for carrying on the Buſineſs of the ſaid Corporation; and they, or the major Part of them, ſhall, and may agree, and they are hereby impowered, to pay the ſaid Overſeer, as a Salary, out of the Tobacco and Money, raiſed and collected as aforeſaid, a Sum, not exceeding Eighty Pounds Current Money, *per Annum*, and ſo *pro rato*, during his Continuance in Office, and ſhall then take, and the ſaid Overſeer, and every other

Overſeer,

Overseer, to be appointed, shall, and he is hereby obliged to enter into a Bond, with sufficient Sureties, in the Penalty of Two Hundred Pounds Current Money, payable to the said Trustees, for the Poor: Conditioned as follows, *to wit*: *The Condition of the above Obligation, is such, That if the above bound* A. B. *as Overseer of the Alms, and Work-House, in* ——— *County, shall well and truly discharge his Duty, in the said Station; and more particularly, according to the Directions of the Act of Assembly, entitled,* An Act for the Relief of the Poor, within the several Counties therein mentioned; *then the above Obligation to be void, otherwise to remain in full Force and Virtue in Law.*

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Overseers to give Bond in the Penalty of 200*l.* for the faithful discharge of his Duty;

XII. **And be it further Enacted**, That the said Trustees, or the major Part of them, shall, and they are hereby directed and impowered, to remove such Overseer, and all other Officers, by them to be appointed, in pursuance of this Act, at their Discretion, and to proceed to choose others in their Place and Stead.

and to be removed at the Discretion of the Trustees.

XIII. **And be it further Enacted**, That the said Trustees, or the major Part of them, shall, and they are hereby directed and enjoined, to meet, at the Alms, and Work-House, in each respective County, Four Times in the Year, *to wit*; in the First Week of *February*, *May*, *August*, and *November*, or oftener, if it should by them be deemed necessary; to make and ordain, by a Majority of Votes, of such as may be present, all such good and wholesome Ordinances, Rules, and Bye-Laws, as they shall think convenient and necessary, for the Direction, Government, and Support of such Alms, and Work-House; and also for the Maintainance and Employment of all such poor Persons as shall be taken under their Care, and of all Vagrants, Beggars, Vagabonds, and other Offenders, that shall be committed thereto, by virtue of this Act; all which Ordinances, Rules, and Bye-Laws, shall be, from Time to Time, inviolably observed by all Persons concerned, according to the Tenor and Effect thereof.

Trustees to meet at the Alms, and Work-Houses Four Times a Year, to make Rules for the Government, and Support thereof, *&c.*

XIV. **And be it further Enacted**, That the said Overseer shall keep a fair and regular List of all Poor, Beggars, Vagrants, Vagabonds, and other Offenders, who shall be committed to their respective Alms, and Work-Houses; and also fair and regular Accounts, in Writing, of all Materials, and other Things, coming to his Hands, as Overseer aforesaid; and of all Expences and Charges, attending their Maintainance and Support; and of all Monies, received by him, for the Sale of the Produce of their Labour, and otherwise, as Overseer aforesaid, and shall lay the said Lists and Accounts before the Trustees, or the major Part of them, at their Meetings, at the Times by this Act directed, or oftener, if by them required.

The Overseer to keep a regular List of all Poor, Vagrants, *&c.* and also fair Accounts of all Materials, and Monies, received for the Produce of Labour.

XV. **And be it further Enacted**, That the said Overseer, may compel and oblige any of the said Poor, Beggars, Vagrants, and Vagabonds, or other Offenders, in their respective Alms, and Work-Houses, if of sufficient Ability to work, to labour and work, and the Produce of their Labour, he is hereby directed and impowered to sell, and apply the Money, arising from such Sale, to their Maintainance and Support.

To compel such as are of sufficient Ability to Work, *&c.*

XVI. **And be it further Enacted**, That upon Complaint made, that any Person, from his, or her disorderly Conduct, gives Disturbance to his, or her Neighbourhood, and is likely to become chargeable to the said County, City, or Town-Corporate, it shall and may be lawful, for any one Magistrate of the said County, City, or Town-Corporate, respectively, if, upon hearing the Party, he shall adjudge the Complaint to be well founded, to commit such disorderly Person, residing within the said County, City, or Town-Corporate, respectively, to the said Work-House, for any Time, not exceeding Three Months, unless he, or she shall find Security, at the Discretion of the Magistrate

On Complaint made, and founded, against disorderly Persons, a single Magistrate may commit such Person to the Work-House, *&c.* unless Security shall be given for good Behaviour.

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Persons demeaning themselves, in a disorderly Manner, in the Work-House, to be punished.

Magistrate aforesaid, in any Sum, not exceeding Twenty Pounds Current Money, for his, or her good Behaviour, and more orderly Demeanor, during the Space of Six Months; and also, upon Complaint, and due Proof made, by any one Trustee for the Poor, or any Overseer of any Alms, and Work-House, to any one Magistrate of the said County, City, or Town-Corporate, that any Person, in the said Work-House, hath behaved and demeaned him, or herself, in a disorderly Manner, or hath refused, or neglected to do, and perform his, or her daily Labour and Task, or hath refused, or neglected to obey, keep and observe, any of the Ordinances, Rules, and Bye-Laws of the said Corporation, to order and direct, such moderate and proper Correction, not exceeding Thirty-nine Lashes for any one Offence, to be given to such Offender, as the Nature of the Case shall require.

Trustees to appoint what Poor shall be received, and a single Magistrate, or any Person, by him authorised, may apprehend Vagrants, and keep them to hard Labour, not exceeding 3 Months, &c.

XVII. And be it further Enacted, That it shall and may be lawful, to, and for any of the said Trustees, to direct and appoint, under their Hand, in Writing, what Poor shall be received into such Alms, and Work-House; and it shall and may be lawful, for any One Justice of the Peace, for any one County, City, or Town-Corporate, and for any Person authorised and appointed by such Justice, to apprehend, or cause to be apprehended, any Rogues, Vagrants, Vagabonds, Beggars, and other idle, dissolute, and disorderly Persons, found loitering or residing in the said County, City, or Town-Corporate, who follow no Labour, Trade, Occupation, or Business, and have no visible Means of Subsistance, whereby to acquire an honest Livelihood, there to be kept at hard Labour, for any Term, not exceeding Three Months; and the Overseer of such Alms, and Work-House, is hereby required to receive, any Poor, appointed as aforesaid, to be received, and any Rogue, Vagrant, Vagabond, Beggar, and other idle, dissolute, and disorderly Persons, so as aforesaid committed, and employ them, according to the Tenor of such Commitment.

A single Magistrate, may, by Warrant, remove poor Persons to their last Place of Settlement, unless they can find Security for good Behaviour, &c.

XVIII. And, to restrain poor People from going or removing from one County to another; Be it further Enacted, That it shall and may be lawful for any one Justice of the Peace, by Warrant under his Hand and Seal, to remove and convey, such Person, to such County, where he, or she was last legally settled, either as a Native, Householder, Apprentice, or Servant, unless he, or she, shall find sufficient Security, to be allowed by the said Justice, for good Behaviour, and Discharge, of the said County: And, if any Person be removed, by virtue of this Act, from one County to another, under the Hand and Seal of any one Justice of the Peace, the Trustees, for the Poor, of the said County, to which the said Person shall be so removed, if any Alms, or Work-House, shall be in such County, are hereby required, to receive the said Person removed, into such Alms, or Work-House, if it shall appear to such Trustees, that such Person's last legal Settlement, was in that County.

What shall be deemed a legal Settlement in any County for the Poor.

XIX. And, to prevent any Disputes which may arise, about what shall be deemed a Settlement, within the Intention of this Act; Be it further Enacted, That all Poor, who shall receive Allowances, or be entered as Pensioners, by any County Court of this Province, or who shall be Householders, or Natives, within any County, shall be deemed and taken to have a legal Settlement in such County: And, if any Person shall execute any Public annual Office or Charge, in any County, during one whole Year, or shall be charged with, and pay his Public or County Levy, such Person shall be adjudged and deemed to have a legal Settlement in the same County; and, if any unmarried Person shall be hired in any County, for one Year, such Service, during the Space of one Year, shall be adjudged and deemed a good Settlement; and if any Person shall be bound an Apprentice, by Indenture, or by any County Court of this Province, and inhabit any County, such Binding and Inhabitation, shall be adjudged a good Settlement.

XX. And

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XX. **And be it further Enacted**, That every Person who shall be received into any Alms, or Work-House, and there receive Relief, shall, upon the Shoulder of the Right Sleeve of the uppermost Garment of every such Person, in an open and visible Manner, wear such Badge or Mark, as is herein after mentioned and expressed: *That is to say*, A large Roman P, together with the first Letter of the Name of the County, whereof such Poor is an Inhabitant, cut either in red, or blue Cloth, as by the Overseer of the Poor it shall be directed and appointed; and, if any such poor Person shall neglect, or refuse to wear such Badge, or Mark, as aforesaid, and in Manner, as aforesaid, it shall and may be lawful for any one of the Trustees aforesaid, where any such Offence shall be committed, to punish every such Offender, for every such Offence, either by ordering of his, or her Relief, or usual Allowance, to be abridged, suspended, or withdrawn; or otherwise, by ordering such Offender to be whipt, not exceeding Twenty Lashes, and kept to hard Labour for any Number of Days, not exceeding Twenty-one, as to the said Trustee, in his Discretion, it shall most seem meet; and, if any Overseer of the Poor, shall receive, into any Alms, and Work-House, or shall relieve any such Person, not having and wearing such Badge or Mark, as aforesaid, and be thereof convicted, upon the Oath of one or more credible Witness, or Witnesses, shall forfeit and pay the Sum of Five Pounds Current Money.

Persons received into any Alms, or Work-House, to wear a Badge, &c.

XXI. **And be it further Enacted**, That whosoever shall presume, either to set up a Booth, Stall, or other Convenience, for the selling of strong Liquors, on the Land purchased in any of the Counties aforesaid, for the Use of an Alms, or Work-House, or shall commit any kind of Trespass thereon, or shall sell or dispose of any strong Liquor, or other Matter or Thing, whatsoever, to any Poor, or other Person, entertained in such Alms, and Work-House, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Current Money.

Persons selling strong Liquors to the Poor, on the Land purchased for an Alms, and Work-House, forfeit 10*l.*

XXII. **And be it further Enacted**, That all and every the Pains, Penalties, and Forfeitures, herein before by this Act directed and inflicted, shall, and may be recovered, in any Court of Record, within this Province, by Action of Debt, founded on this Act, or Indictment, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed; any Thing in this Act herein before contained, to the contrary thereof, in any wise, notwithstanding; one Moiety to the Informer, the other Moiety to the Use of the Alms, and Work-House, where such Recoveries shall be had and obtained; in which Actions of Debt, it shall be sufficient for the Plaintiff, to alledge, that the Defendant or Defendants, are indebted to the Plaintiff, the Sums of Money, or Tobacco, by this Act directed and inflicted, whereby the Plaintiff's Action accrued to him, according to the Form of this Act of Assembly, without setting forth the Special Matter: Provided, a short Note, expressing the Cause of Action, be lodged in the Office, at the Time of issuing the Writ.

Penalties and Forfeitures, recoverable in any Court of Record; one Moiety to the Informer, the other to the Use of the Alms, and Work-House, &c.

XXIII. **And be it further Enacted**, That all Sheriffs, Bailiffs, Constables, and all other Officers, and Ministers of Justice, shall be aiding and assisting to the said Trustees for the Poor, in each of the said Counties, and to all such Officers, as shall be employed by them, as by this Act is directed, in the Execution and Performance of the said Service.

Officers to be aiding, and assist the Trustees in the Execution of their Office.

XXIV. **And be it further Enacted**, That if any Person or Persons, shall, at any Time or Times, be sued or prosecuted for any Matter or Thing, by him or them done, and executed in Pursuance and Execution of this Act, or of any Matter or Thing in this Act contained, such Person, or Persons, shall, and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, for his, or their Defence; and, if upon Trial, a Verdict shall pass for the Defendant, or Defendants, or if the Plaintiff, or Plaintiffs, shall become non-suited, or discontinue his, or their Suit, then, such Defendant,

Persons sued for putting this Act in Execution, may plead the General Issue, &c.

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or Defendants, ſhall have and recover Treble Coſts, to him or them awarded againſt ſuch Plaintiff, or Plaintiffs; and, if the Plaintiff, or Plaintiffs, is, or are unable to ſatisfy the ſame; then it ſhall be paid and ſatisfied by the Attorney who brought ſuch Suit, unleſs the Plaintiff, or Plaintiffs, ſhall give Security for the Coſts, to be approved of by the Court in which ſuch Suit is brought.

The Truſtees may elect in the 1st Week of *May*, yearly, a Perſon to ſerve in the Stead of the Firſt named Truſtee.

XXV. And, to prevent Individuals being unreaſonably burthened with the Execution of this Act, as Truſtees for the Poor; Be it Enacted, That at the Time of the Meeting of the ſaid Truſtees for the Poor, in the Firſt Week of *May*, yearly, the ſaid Truſtees, or the major Part of them, in the Counties aforeſaid, reſpectively, ſhall, and may elect and chooſe, one of the beſt Inhabitants of the ſame County, to be a Truſtee for the Poor of that County, in the Stead of the Firſt named, or eldeſt of the ſaid Truſtees, of the ſame County, which ſaid Firſt named, or eldeſt Truſtee, ſhall be, and is, by virtue hereof, thencefrom diſcharged from his Office.

A LIST of the LAWS paſt laſt SESSION.

	CHAP.
AN ACT for the Adjournment and Continuance of *Talbot*, *Baltimore*, and *Cæcil* County Courts.	I.
An ACT to enable *Mary Darnall*, an Infant, to enter into, and accept of a Marriage-Settlement and Agreement. [*Private.*]	II.
An ACT to remedy ſome Inconveniencies ariſing from the Loſs of ſome Proceedings in *St. Mary's* County Court.	III.
An ACT for the Preſervation of the Breed of Fiſh.	IV.
An ACT to prevent any Obſtruction of the Navigation in the River *Patowmack*.	V.
An ACT appointing new Viſitors for the Public School in *Frederick* County, and for other Purpoſes therein mentioned.	VI.
An ACT for granting to the *Nanticoke Indians*, a Compenſation for the Lands therein mentioned.	VII.
A Supplementary Act to the Act, entitled, *An Act for erecting a new Pariſh in* Kent *County, called* Cheſter *Pariſh, and for building a Pariſh Church, and enlarging a Chapel of Eaſe within the ſaid Pariſh.*	VIII.
An ACT to impower the Juſtices of *Somerſet* and *Worceſter* Counties, to levy on the taxable Inhabitants of *Stepney* Pariſh, in *Somerſet* and *Worceſter* Counties, the Quantity of One Hundred and Sixty Thouſand Pounds of Tobacco, for the Uſes therein mentioned.	IX.
An ACT for the Recovery of certain Amerciaments, and alſo upon Defaults on Executions.	X.
An ACT for the Relief of *Joſeph Scott*, of *Worceſter* County. [*Private.*]	XI.
An ACT reviving and continuing an Act, entitled, *An Act to eſtabliſh a Market, at the Market-Houſe in* Cheſter-Town, *in* Kent *County; and for the Regulation of the ſaid Market.*	XII.
An ACT to prohibit raiſing of Swine and Geeſe, in *George-Town*, in *Kent* County; and in *Snow Hill* Town, in *Worceſter* County.	XIII.
An ACT for erecting a Court-Houſe, and Public-Priſon, for *Baltimore* County, in the Town of *Baltimore*; and for making Sale of the old Court-Houſe, and Priſon.	XIV.
An ACT to prevent the Exportation of Flour, Staves, and Shingles, not merchantable, from the Town of *Baltimore*, in *Baltimore* County, and to regulate the Weight of Hay, and Meaſure of Grain, Salt, Flax-Seed, and Fire-Wood, within the ſaid Town.	XV.
An ACT for the Adjournment and Continuance of *Frederick* County Court.	XVI.
An ACT confirming to *Spedding Bromwell*, of *Talbot* County, certain Lots of Land therein mentioned. [*Private.*]	XVII.
An ACT for the ſpeedy and effectual Publication of the Laws of this Province; and for the Encouragement of *Anne Catharine Green*, of the City of *Annapolis*, Printer.	XVIII.
A Supplementary ACT to the Act, entitled, *An Act to eſtabliſh a Road from* Hunting-Creek, *in* Dorcheſter, *to* Dover, *in* Talbot *County*.	XIX.
A Supplementary ACT to the Act *to enable the Viſitors of* Kent *County School, for the Time being, to leaſe out Part of the Land belonging to the ſaid School.*	XX.
An ACT for turning Part of a Street, called *Eaſt-Street*, in the City of *Annapolis*, and for confirming the Title of *Thomas Jenings*, Eſq; of the ſaid City, to a Lot of Ground therein. [*Private.*]	XXI.
An ACT to give *Thomas Harriſon* further Time to effect the Removal of a Nuiſance in *Baltimore-Town*, in *Baltimore* County.	XXII.
An ACT to impower *Mary Philpot*, Widow and Adminiſtratrix of *Brian Philpot*, late of *Baltimore-Town*, in *Baltimore* County, Merchant, deceaſed, to ſell the real Eſtate of her ſaid Huſband, for the Payment of the Debts of the ſaid *Brian Philpot*. [*Private.*]	XXIII.
An ACT for the building of a Pariſh Church, and Chapel of Eaſe, in *Saint John's* Pariſh, in *Queen-Anne's* County.	XXIV.
An ACT for the Relief of the Rev. *John M'Pherſon* of *Charles* County. [*Private.*]	XXV.
An ACT for the Relief of certain languiſhing Priſoners in the ſeveral Jails therein mentioned.	XXVI.
An ACT for licenſing Ordinary-Keepers, Hawkers, Pedlers, and Petty Chapmen.	XXVII.
An ACT for amending and declaring the Law, in the Caſes therein mentioned.	XXVIII.
An ACT for the Relief of the Poor, within the ſeveral Counties therein mentioned.	XXIX.